

Chapter 45. Requirements for Units and Facilities Deemed to Have a Permit by Rule

Article 1. Permit by Rule

§ 67450.1. Permit Requirement.

Permits are required for treatment of hazardous wastes using a Transportable Treatment Unit (TTU) or a Fixed Treatment Unit (FTU). However, the owner or operator of a TTU shall be deemed to have a permit to operate the TTU when the owner or operator complies with the requirements of section 67450.2(a). The owner or operator of a FTU shall be deemed to have a permit to operate the FTU when the owner or operator complies with the requirements of section 67450.2(b).

NOTE: Authority cited: Sections 208 and 25200.2, Health and Safety Code. Reference: Section 25150, Health and Safety Code.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).
2. Amendment filed 10-23-91; operative 1-1-92 (Register 92, No. 12).
3. Amendment of chapter 45 heading filed 11-7-96; operative 11-7-96 (Register 96, No. 45).
4. New article 1 heading filed 1-30-2002; operative 1-30-2002 pursuant to Government Code section 11343.4 (Register 2002, No. 5).

§ 67450.2. Permit by Rule for TTUs and FTUs.

(a) The owner or operator of a TTU that treats hazardous waste shall be deemed to have a permit when the owner or operator complies with subsections (a)(1), (a)(2) and (a) (4) of this section and receives an acknowledgement from the Department authorizing operation of the TTU pursuant to the subsection (a)(3) of this section.

(1) The owner or operator of a TTU that treats hazardous waste shall submit, in person or by certified mail with return receipt requested, four (4) complete initial Transportable Treatment Unit Permit by Rule/Conditional Exemption Unit-Specific Notifications (DTSC Form 1199, (1/96)) for each TTU to the Department of Toxic Substances Control, Unified Program Section, 400 "P" Street, P.O. Box 806, Sacramento, California 95812-0806. The initial notifications shall be submitted a minimum of forty-five (45) days prior to beginning the first treatment of waste with the TTU. Upon good cause shown by the owner or operator, the Department shall shorten the notification period.

(2) Each notification required by subsection (a) (1) of this section shall be completed, dated and signed according to the requirements of Section 66270.11 as those requirements apply to permit applications and shall be submitted with all of the following:

(A) Owner, operator and unit-specific information including: the name of the person(s) which own(s) and/or operate(s) the TTU, if different, the physical address or legal description of the location of each person which owns and/or operates the TTU, the mailing address and telephone number of each person which owns or operates the TTU, if different, TTU owner and operator contact person(s) and telephone number(s), TTU owner or operator identification number and Board of Equalization account number, identification of the specific waste type(s) to be treated, TTU serial number, identification of the treatment process(es) to be used, and a description of how the treatment unit operates (i.e. continuous, batch, intermittent, etc.)

(B) Financial assurance certification forms as required by section 67450.13; and

(C) The certifications specified in sections 66265.191(a) and 66265.192(a), if applicable.

(D) A statement documenting any convictions, judgments, settlements, or orders resulting from any action by any local, State, or federal environmental or public health enforcement agency concerning the operation of the facility within the last three years, as the documents would be available under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Part 1 of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of the Civil Code);

(3) The Department, within thirty (30) calendar days of receipt of unit-specific notifications submitted pursuant to subsection (a)(1) of this section, shall acknowledge, in writing, receipt of the notifications. The Department shall, in conjunction with the acknowledgement, authorize operation of the TTU subject to the requirements and conditions specified in sections 67450.3, 67450.9(b) and 67450.9(c), deny authorization to operate under a permit by rule pursuant to section 67450.9(a) or notify the owner or operator that the notifications are incomplete or inaccurate. If the notifications are incomplete or inaccurate, the Department shall specify what additional information or correction is needed. The Department shall authorize or deny authorization to operate as specified in this subsection within thirty (30) calendar days of receipt of the requested information or corrected notifications. The Department shall reject the notifications of any owner or operator who fails to provide the information or correction requested in the acknowledgement within ten (10) days of receipt of the acknowledgement. Upon good cause shown by the owner or operator, the Department shall grant the owner or operator additional time to provide the information or correction requested. An owner or operator whose notifications are rejected may submit new initial notifications.

(4) Each TTU owner or operator who is required to submit an initial notification to the Department pursuant to subsection (a)(1) of this section shall pay the initial notification fee established by Health and Safety Code section 25205.14, for each such notification within thirty (30) days after the date the fee is assessed by the Board of

Equalization as specified in Revenue and Taxation Code Section 43152.10. For purposes of fee assessment, each set of four (4) notifications required by subsection (a)(1) of this section shall be considered a single notification.

(b) The owner or operator of a FTU that treats hazardous waste shall be deemed to have a permit when the owner or operator complies with subsections (b)(1), if applicable, (b)(2), (b)(3) and (b)(5) of this section, and receives an acknowledgement from CUPA or authorized agency authorizing operation of the FTU pursuant to subsection (b)(4) of this section.

(1) The owner or operator of a FTU that treats hazardous waste on or before January 1, 1992 and who intends to continue the treatment under permit by rule after January 1, 1992 shall submit, in person or by certified mail with return receipt requested, a Fixed Treatment Unit Permit by Rule Initial Notification of Intent to Operate (DTSC Form 1772 (1/96)) to the Department at the address specified in subsection (a)(1) of this section. The Initial Notification of Intent to Operate shall be submitted by February 1, 1992 and shall contain the following information:

(A) Name, mailing address, and telephone number of the owner and operator;

(B) Facility name and address or legal description of the facility location, identification number and Board of Equalization account number;

(C) A description of the specific waste type(s) treated; and

(D) A description of the treatment process(es) used;

(2) The owner or operator of a FTU that treats hazardous waste shall submit, in person or by certified mail with return receipt requested, the Onsite Hazardous Waste Treatment Notification-Facility page, the Business Activities Page, and the Business Owner/Operator Page of the Unified Program Consolidated Form (x/99), an alternative version or a computer generated facsimile as allowed pursuant to Title 27, CCR, sections 15610 and 15620 to the CUPA or authorized agency. The Onsite Hazardous Waste Treatment Notification-Facility Page, Business Activities Page, and the Business Owner/Operator Page of the Unified Program Consolidated Form (x/99), an alternative version or a computer generated facsimile as allowed pursuant to Title 27, CCR, sections 15610 and 15620 shall be submitted by a minimum of sixty (60) days prior to beginning the first treatment of waste pursuant to a permit-by-rule. The Onsite Hazardous Waste Treatment Notification-Facility Page, the Business Activities Page, and the Business Owner/Operator Page of the Unified Program Consolidated Form (x/99), an alternative version or a computer generated facsimile as allowed pursuant to Title 27, CCR, sections 15610 and 15620 shall contain the information required in sections 66270.13(a), 66270.13(c), 66270.13(d), 66270.13(f), 66270.13(g) and 66270.13(m), as those sections apply to permit applications, and all of the information specified in subsection (b)(3) of this section. Businesses may report this information electronically, if the CUPA or authorized agency agrees and the business complies with Title 27, CCR, section 15187.

(A) A certification signed by the owner or operator specifying the local authorities that have been notified of the intended operation. At a minimum, the owner or operator shall notify the agency operating the POTW, if the treatment results in discharge to a POTW, and any other agency that requires notification for the operation of the FTU(s) at that facility;

(B) Treatment facility information including: name, mailing address, and telephone number of each owner and operator, facility name, address or legal description of the facility location, facility identification number and Board of Equalization account number, facility contact person(s) and telephone number(s), FTU contact person(s) and telephone number(s), plot plan detailing where the hazardous waste treatment(s) will occur, identification of the specific waste type(s) to be treated, and a description of the treatment process(es) to be used;

(C) Documentation that the facility operator has notified the property owner, if different, of the operation of the FTU(s);

(D) Financial assurance certification forms as required by section 67450.13;

(E) The documentation specified in section 67450.7;

(F) A statement documenting any convictions, judgments, settlements, or orders resulting from any action by any local, State, or federal environmental or public health enforcement agency concerning the operation of the facility within the last three years, as the documents would be available under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Part 1 of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of the Civil Code);

(G) The Onsite Hazardous Waste Treatment Notification-Unit page of the Unified Program Consolidated Form (x/99), an alternative version or a computer generated facsimile as allowed pursuant to Title 27, CCR, sections 15610 and 15620. The Onsite Hazardous Waste Treatment Notification-Unit page of the Unified Program Consolidated Form (x/99), an alternative version or a computer generated facsimile as allowed pursuant to Title 27, CCR, sections 15610 and 15620 shall be completed, dated and signed according to the requirements of section 66270.11 as those requirements apply to permit applications and shall include the FTU serial number, identification of the waste treatment process(es) to be used, the quantity of influent waste, the quantity and disposition of treatment effluents or residuals, a description of how the treatment unit operates (i.e., continuous, batch, intermittent, etc.), the hours of operation of the treatment unit, identification of whether the unit is a tank or container, the basis for determining that a hazardous waste facility permit is not required under the federal act, and the certification specified in sections 66262.45(c), 66264.175(c), 66265.191(a) and 66265.192(a), if applicable. Businesses may report this information electronically, if the CUPA or authorized agency agrees and the business complies with Title 27, CCR, section 15187. For the purposes of the notification required under this subsection, if the owner or operator of the FTU is unable to complete the certifications required by sections 66264.175(c), 66265.191(a), or 66265.192(a) before April 1, 1993 because of a need to complete physical construction, then the owner or operator shall submit a schedule of compliance in writing, signed according to the requirements of section 66270.11, by April 1, 1993. Construction must be completed and the required certifications submitted to the Department on or before July 1, 1993 unless the owner

or operator is granted a variance from this requirement pursuant to Health and Safety Code section 25143 on or before April 1, 1993. During construction persons treating hazardous waste in tanks must maintain compliance with section 66265.196. The schedule of compliance shall specify the following information:

1. The reasons why the owner or operator cannot comply with the certification requirements by April 1, 1993; and
2. The actions the owner or operator will take to obtain the required certifications and submit those certifications to the Department; and

3. A schedule setting forth dates for key actions such as executing contracts for services, obtaining local permits for construction activities, executing contracts for construction, and completion of physical construction.

(4) The Department, within forty-five (45) calendar days of receipt of a notification submitted pursuant to subsection (b)(2) of this section, shall acknowledge, in writing, receipt of the notification. The Department shall, in conjunction with the acknowledgement, authorize operation of the FTU subject to the requirements and conditions specified in sections 67450.3, 67450.7 and 67450.9(b) and 67450.9(c), deny authorization to operate under a permit by rule pursuant to section 67450.9(a) or notify the owner or operator that the notification is incomplete or inaccurate. If the notification is incomplete or inaccurate, the Department shall specify what additional information or correction is needed. The Department shall authorize or deny authorization to operate as specified in this subsection within forty-five (45) days of receipt of the requested information or corrected notification. The Department shall reject the notification of any owner or operator who fails to provide the information or correction requested in the acknowledgement within ten (10) days of receipt of the acknowledgement. Upon good cause shown by the owner or operator, the Department shall grant the owner or operator additional time to provide the information or correction requested. An owner or operator whose notification is rejected may submit a new initial notification.

(5) Each FTU owner or operator who is required to submit a notification to the Department pursuant to subsection (b)(1) of this section shall pay the notification fee established by Health and Safety Code section 25205.14 for each such notification within thirty (30) days after the date the fee is assessed by the Board of Equalization, except as provided in (b)(6) of this section, as specified in Revenue and Taxation Code Section 43152.10. For purposes of fee assessment, the Unit-Specific Notification(s) required by subsection (b)(3)(F) of this section shall be considered part of the Facility-Specific Notification required by subsection (b)(2) of this section.

NOTE: Authority cited: Sections 25150, 58004 and 58012, Health and Safety Code. Reference: Sections 25112.5, 25150, 25185.6, 25186, 25200, 25200.2, 25200.10, 25202.9, 25205.1, 25205.7 and 25205.14, Health and Safety Code.

HISTORY

1. Amendment filed 10-23-91; operative 1-1-92 (Register 92, No. 12).
2. Amendment of subsections (b)(2) and (b)(3)(H) and adoption of subsections (b)(3)(H)1.-3. filed 3-26-92 as an emergency; operative 3-30-92 (Register 92, No. 18). A Certificate of Compliance must be transmitted to OAL 7-30-92 or emergency language will be repealed by operation of law on the following day.
3. Amendment of subsections (b)(2), (b)(3)(H), and (b)(6) filed 6-16-92 as an emergency; operative 6-16-92 (Register 92, No. 25). A Certificate of Compliance must be transmitted to OAL 10-14-92 or emergency language will be repealed by operation of law on the following day.
4. Amendment of subsections (b)(2), (b)(3)(H), and (b)(6) refiled 10-13-92 as an emergency; operative 10-12-92 (Register 92, No. 42). A Certificate of Compliance must be transmitted to OAL 2-11-93 or emergency language will be repealed by operation of law on the following day.
5. Amendment of subsections (b)(2), (b)(3)(H), (b)(3)(H)1. and (b)(6), and new subsection (b)(7) filed 2-9-93 as an emergency; operative 2-9-93 (Register 93, No. 7). A Certificate of Compliance must be transmitted to OAL 6-9-93 or emergency language will be repealed by operation of law on the following day.
6. Amendment of subsections (b)(2), (b)(3)(H), (b)(3)(H)1, and (b)(6) refiled 6-8-93 as an emergency; operative 6-8-93 (Register 93, No. 24). A Certificate of Compliance must be transmitted to OAL by 10-6-93 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 6-8-93 order including amendment of section and Note transmitted to OAL 10-5-93 and filed 11-18-93 (Register 93, No. 47).
8. Change without regulatory effect amending section and Note filed 3-26-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).
9. Amendment of subsections (b), (b)(2), (b)(3)(A) and (b)(3)(G) and repealer of subsection (b)(6) filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
10. Amendment of subsections (b), (b)(2), (b)(3)(A) and (b)(3)(G) refiled 5-7-99 as an emergency; operative 5-7-99 (Register 99, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-7-99 or emergency language will be repealed by operation of law on the following day.

11. Amendment of subsections (b), (b)(2), (b)(3)(A) and (b)(3)(G) refiled 9-3-99 as an emergency; operative 9-3-99 (Register 99, No. 36). A Certificate of Compliance must be transmitted to OAL by 1-3-2000 or emergency language will be repealed by operation of law on the following day.

12. Amendment of subsections (b), (b)(2), (b)(3)(A) and (b)(3)(G) refiled 12-29-99 as an emergency; operative 1-3-2000 (Register 99, No. 53). A Certificate of Compliance must be transmitted to OAL by 5-2-2000 or emergency language will be repealed by operation of law on the following day.

13. Certificate of Compliance as to 12-29-99 order transmitted to OAL 2-29-2000 and filed 4-11-2000 (Register 2000, No. 15).

§ 67450.3. Requirements Applicable to Fixed and Transportable Treatment Units Deemed to Have a Permit by Rule.

(a) The owner or operator of a transportable treatment unit (TTU) deemed to hold a permit by rule pursuant to section 67450.2(a) shall do all of the following:

(1) Submit, in person or by certified mail with return receipt requested, four (4) complete annual Transportable Treatment Unit (TTU) Permit by Rule/Conditional Exemption Unit-Specific Notifications (DTSC Form 1199, (1/96)) to the Department at the address specified in section 67450.2(a)(1), by March 1 of each year following the year in which the initial unit-specific notifications required by section 67450.2(a)(1) are submitted unless the Department notifies the owner or operator, in writing, of an alternate submittal date. Each annual notification shall be completed, dated and signed according to the requirements of section 66270.11 as those requirements apply to permit applications and shall contain all of the information specified in section 67450.2(a)(2).

(2) Submit, in person or by certified mail with return receipt requested, four (4) complete amended TTU Permit by Rule/Conditional Exemption Unit-Specific Notifications (DTSC Form 1197, (1/96)) to the Department at the address specified in section 67450.2(a)(1), within thirty (30) days of any change to the information contained in the most recent unit-specific notification. Each amended notification shall be completed, dated and signed according to the requirements of section 66270.11 as those requirements apply to permit applications and shall contain all of the information specified in section 67450.2(a)(2).

(3) Submit, in person or by certified mail with return receipt requested, a Transportable Treatment Unit (TTU) Permit by Rule Site-Specific Notification (DTSC Form 1197 (1/96)) to the Department at the address specified in section 67450.2(a)(1) for each site where the TTU will perform treatment. The site-specific notification shall be submitted at least twenty-one (21) days prior to each site visit. Upon good cause shown by the owner or operator, the Department shall shorten the notification period. Each site-specific notification shall be completed, dated and signed according to the requirements of section 66270.11 as those requirements apply to permit applications, and shall contain all of the following:

(A) The name, physical address and telephone number of the owner and operator, if different, the mailing address of the owner and operator, if different, the TTU serial number, owner or operator identification number and Board of Equalization account number, site or facility name, address or legal description of the site or facility location, site or facility identification number, site or facility contact person(s) and telephone number(s), the information required by section 66270.13(c), identification of the influent waste(s), identification of the type of business generating waste(s) to be treated by the TTU, a plot plan detailing where the hazardous waste treatment will occur, the anticipated time periods(s) the unit will be at the site or facility, the anticipated date(s) and hour(s) the unit will be in operation, a description of the hazardous waste(s) to be treated, and an estimate of the quantity or volume of hazardous waste(s) to be treated, an estimate of the quantity or volume of treatment effluents or residuals that will be discharged to a POTW, an estimate of the volume or quantity of treatment effluents or residuals that will not be discharged to a POTW, an explanation of how all treatment effluents or residuals will be managed, and the basis for determining that a hazardous waste facility permit is not required under the federal act.

(B) A certification, signed by the owner or operator, specifying the local authorities that have been notified of the intended date(s) of operation. At a minimum, the owner or operator shall notify the Certified Unified Program Agency (CUPA) or authorized agency, the agency operating the POTW, if the treatment results in discharge to a POTW, and any other agency that requires notification for the operation of the TTU at that site or facility;

(C) A copy of any local Air District permit and other permits required for the operation of the TTU;

(D) Documentation that the property owner, if different from the facility operator, has been notified of the operation of the TTU;

(E) The certifications specified in sections 66262.45 and 66264.175(c), if applicable; and

(F) The documentation specified in section 67450.7, if applicable.

(4) Submit, in person or by certified mail with return receipt requested, an amended TTU Permit by Rule Site-Specific Notification (DTSC Form 1197, (1/96)) to the Department at the address specified in section 67450.2(a)(1) whenever there is any change to information contained in the preceding Site-Specific Notification for the site or facility where the TTU is operating or proposing to operate. An amended notification shall not be required when the change to information contained in a preceding notification is limited to a change in the period of operation specified pursuant to subsection (a)(3)(A) of this section and the Department has granted an extension pursuant to subsection (a)(8)(A) or (a)(8)(B) of this section. Each amended notification submitted pursuant to this subsection shall be completed, dated and signed according to the requirements of section 66270.11 as those requirements apply to permit applications and shall contain all of the information specified in subsection (a)(3) of this section.

(5) Submit the notification fee required by Health and Safety Code section 25205.14. Each TTU owner or operator who is required to submit a notification to the Department pursuant to this section shall pay 100 percent of the initial notification fee established by Health and Safety Code section 25205.14, for each notification required pursuant to subsection (a)(1) of this section within thirty (30) days after the date the fee is assessed by the Board of Equalization as specified in Revenue and Taxation Code section 43152.10. For purposes of fee assessment each set of notifications required by subsections (a)(1) and (a)(2) of this section shall be considered a single notification.

(6) Restrict treatment to those processes and wastes listed in section 67450.11;

(7) Discharge any effluent or treatment residual as follows:

(A) To a publicly owned treatment works (POTW) in accordance with all applicable industrial waste discharge requirements issued by the agency operating the POTW. Hazardous wastes shall not be discharged to a POTW unless the POTW is authorized to receive the hazardous waste and the discharge of hazardous waste is specifically approved in writing by the agency operating the POTW. The facility owner or operator shall inform the agency operating the POTW of the time, volume, content, characteristics and point of the discharge; or

(B) In accordance with waste discharge requirements issued by a Regional Water Quality Control Board; or a National Pollutant Discharge Elimination System (NPDES) permit; or

(C) To a treatment, storage or disposal facility authorized to receive the waste; or

(D) In accordance with any other applicable state law allowing alternative disposition of the effluent or treatment residual.

(8) Treat only waste which is generated onsite. A residual material from treatment of a hazardous waste generated offsite is not a waste that has been generated onsite. Limit the operation of the TTU as specified in subsection (a)(8)(A) or subsection (a)(8)(B) of this section.

(A) TTUs may be stationed and operated at an on-site facility, or at an off-site facility if the following conditions are met:

1. TTUs shall not be operated at any single on-site or off-site facility for more than one year. Upon good cause shown by the owner or operator, the Department shall grant up to two extensions, of six months duration, to the period of operation specified pursuant to subsection (a)(3)(A) of this section.

2. A TTU operating under a permit by rule shall only treat waste at an off-site facility if that off-site facility has a permit or other grant of authorization to manage the same wastestream with the treatment process to be used by the TTU.

3. When operating at an off-site facility, the total processing rate for any wastestream, including all approved fixed units and all TTUs, shall not exceed, at any time, the capacity stated in the off-site facility's permit or other grant of authorization.

(B) A TTU may be stationed and operated at a hazardous substance release site or on-site or off-site facility as part of a site remediation, corrective action or closure activity for a maximum of one (1) calendar year. Upon good cause shown by the owner or operator, the Department shall grant up to two extensions, of six months duration each, to the period of operation specified pursuant to subsection (a)(3)(A) of this section.

(9) Permanently mark the exterior of each TTU with the name of the person which owns or operates the TTU, owner or operator identification number and an individual serial number;

(10) Maintain the documents specified below at the site or facility where the TTU is operating. The owner or operator shall make these documents available upon demand at the site or facility to any representative of the Department, the U.S. Environmental Protection Agency (EPA) or a local governmental agency. A copy of these documents shall be delivered in person or by certified mail with return receipt requested to the Department when requested in writing by the Department. Any request from the Department shall specify the documents which are required, where and how to submit the required documents and the date by which the documents shall be submitted. The documents include:

(A) A waste analysis plan for the treatment operation as specified in section 66265.13(b);

(B) A written inspection schedule as specified in section 66265.15(b);

(C) Training documents as specified in section 66265.16(d)(3) as they pertain to the operator(s);

(D) A contingency plan which contains the information specified in section 66265.52;

(E) A copy of the most recent Unit-Specific Notification submitted as required by sections 67450.2(a)(1), 67450.3(a)(1) and 67450.3(a)(2), a copy of the most recent acknowledgement received from the Department pursuant to sections 67450.2(a)(3) and 67450.3(b), a copy of the most recent Site-Specific Notification as specified in sections 67450.3(a)(3) and 67450.3(a)(4), and a copy of the most recent corresponding acknowledgement received from the Department pursuant to section 67450.3(b);

(F) A copy of the closure plan required by subsection (a)(13)(B) of this section;

(G) A copy of documents related to the environmental investigation and any cleanup, abatement or other necessary remedial action taken pursuant to section 67450.7, if applicable.

(H) Documentation of any convictions, judgments, settlements, or orders resulting from any action by any local, State, or federal environmental or public health enforcement agency concerning the operation of the facility within the last three years, as the documents would be available under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Part 1 of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of the Civil Code);

(11) Maintain compliance with sections 66264.175, 66265.148, 67450.7, 67450.13 and with the following regulations in chapter 15 of this division, including those referring to permit applications:

(A) Article 2. General Facility Standards (except for section 66265.25);

(B) Article 3. Preparedness and Prevention;

- (C) Article 4. Contingency Plan and Emergency Procedures;
- (D) Article 5. Manifest System, Recordkeeping and Reporting (except for sections 66265.73(b)(2), 66265.73(b)(6), 66265.73(b)(7), 66265.73(b)(15) and 66265.75);
- (E) Article 9. Use and Management of Containers;
- (F) Article 10. Tank Systems (except that the contingent plan for post-closure required by section 66265.197(c)(2) shall be maintained with the closure plan required by subsection (a)(13)(B) of this section);
- (G) Article 16. Thermal Treatment;
- (H) Article 17. Chemical, Physical, and Biological Treatment.
- (12) Prepare and submit an annual report to the Department when requested by the Department. The annual report shall be delivered in person or by certified mail with return receipt requested to the Department when requested in writing by the Department. The request from the Department shall specify where and how to submit the annual report and the date by which the annual report shall be submitted. The report shall be dated, and signed according to the requirements of section 66270.11 as those requirements apply to permit applications, and shall include the following information for each site or facility where treatment was performed during the calendar year preceding the Department's request:
 - (A) The serial number(s) of the TTU(s) involved in the treatment;
 - (B) The physical and mailing address of the person which owns or operates the TTU(s) and the TTU owner's or operator's identification number;
 - (C) The name, title and phone number of each TTU contact person;
 - (D) The name and address or legal description of each site or facility;
 - (E) The site or facility identification number(s), when applicable;
 - (F) The number of days each TTU was operated;
 - (G) The quantity of hazardous waste(s) treated by each TTU;
 - (H) The composition and hazardous characteristics of the influent hazardous waste(s);
 - (I) The treatment method(s) used for each hazardous waste treated by each TTU;
 - (J) The quantity, composition and hazardous characteristic(s) of any treatment effluent or residual discharged from each TTU to a POTW, if applicable; and
 - (K) The quantity, composition, hazardous characteristic(s) and disposition of any TTU treatment effluent or residual that was not discharged to a POTW, if applicable.
- (13) Maintain compliance with the following requirements regarding closure:
 - (A) Sections 66264.178, 66265.111(a) and 66265.111(b), in the same manner as those sections apply to facilities and section 66265.114;
 - (B) The TTU owner or operator shall have a written closure plan. The closure plan shall include:
 1. A description of how and when each TTU will be closed. The description shall identify the maximum extent of the operation during the life of the TTU(s), and how the applicable requirements of sections 66264.178, 66265.114, 66265.197 and 66265.404 will be met;
 2. A description of the steps needed to decontaminate the treatment equipment during closure; and
 3. An estimate of the expected year of closure and a schedule for final closure. The schedule for final closure shall include, at a minimum, the total time required to close the TTU(s).
 - (C) The TTU owner or operator shall amend the closure plan at any time during the active life of the TTU(s) (the active life of a TTU is that period during which wastes are periodically treated) when changes in operating plans or TTU design affect the closure plan, or whenever there is a change in the expected year of closure.
 - (D) Within ninety (90) days after treating the final volume of hazardous waste, the TTU owner or operator shall treat or remove from the TTU(s), all hazardous waste in accordance with the closure plan and the applicable requirements of this chapter unless the owner or operator demonstrates to the Department that the activities required to treat and/or remove all hazardous waste from the TTU(s) will require longer than ninety (90) days.
 - (E) The TTU owner or operator shall complete closure activities in accordance with the closure plan within 180 days after treating the final volume of hazardous waste unless the owner or operator demonstrates to the Department that the activities required to complete the closure will require longer than 180 days to complete.
 - (F) The TTU owner or operator shall notify the Department, the Certified Unified Program Agency (CUPA) or if there is no CUPA, then the officer or agency authorized pursuant to subdivision (f) of Health and Safety Code Section 25404.3 to implement and enforce the requirements of Health and Safety Code Section 25404(c)(1), and any other agencies having jurisdiction over the closure project at least fifteen (15) days prior to completion of closure; and
 - (G) The TTU owner or operator shall remain in compliance with the applicable requirements of this section until the owner or operator submits to the Department a certification signed by the owner or operator and by an independent, professional engineer registered in California, that closure has been completed in accordance with the closure plan and that the closure plan meets or exceeds the applicable requirements of this chapter.
- (14) If treatment will be conducted in containers, the containment requirements of section 66264.175 applicable to transfer and storage areas shall be complied with for areas where treatment occurs.
 - (b) The Department, within thirty (30) calendar days of receipt of an annual or amended notification submitted pursuant to subsection (a)(1) or (a)(2) of this section, or within ten (10) calendar days of receipt of a site-specific notification submitted pursuant to subsection (a)(3) or (a)(4) of this section, shall acknowledge, in writing, receipt of the notification. The Department shall, in conjunction with the acknowledgement, authorize or reauthorize operation of the TTU subject to the requirements of this section and sections 67450.7, 67450.9(b) and 67450.9(c), terminate or deny authorization or reauthorization to operate under a permit by rule pursuant to section 67450.9(a) or notify the owner or operator that the notification is incomplete or inaccurate. If the notification is incomplete or

inaccurate, the Department shall specify what additional information or correction is needed. The Department shall authorize or reauthorize, or deny authorization or reauthorization to operate as specified in this subsection within thirty (30) calendar days of receipt of the requested information or correction for notifications submitted pursuant to subsections (a)(1) and (a)(2) of this section, and within ten (10) calendar days of receipt of the requested information or correction for notifications submitted pursuant to subsections (a)(3) or (a)(4) of this section. The Department shall reject the notification of any owner or operator who fails to provide the information or correction requested within ten (10) days of receipt of the acknowledgement. Upon good cause shown by the owner or operator, the Department shall grant the owner or operator additional time to provide the information or correction requested. An owner or operator whose notification is rejected may submit a new notification.

(c) The owner or operator of a fixed treatment unit (FTU) deemed to hold a permit by rule pursuant to section 67450.2(b) shall do all of the following:

(1) Submit, in person or by certified mail with return receipt requested, the annual Onsite Hazardous Waste Treatment Notification page, Business Activities Page, and the Business Owner/Operator Page of the Unified Program Consolidated Form (x/99), an alternative version or a computer generated facsimile as allowed pursuant to Title 27, CCR, Sections 15610 and 15620 to CUPA or authorized agency, by January 1, 1994, or by January 1 of each year following the first treatment of waste with the FTU, and by January 1 of each subsequent year unless CUPA or authorized agency notifies the owner or operator, in writing, of an alternate submittal date. Each annual notification shall be completed, dated and signed according to the requirements of Section 66270.11 as those requirements apply to permit applications and, except as provided by subsection (c)(9) of this section, shall contain all of the information specified in Section 67450.2(b)(3). Businesses may report this information electronically, if the CUPA or authorized agency agrees and the business complies with Title 27, CCR, Section 15187.

(2) Submit, in person or by certified mail with return receipt requested, an amended Onsite Hazardous Waste Treatment Notification page, Business Activities Page, and the Business Owner/Operator Page of the Unified Program Consolidated Form (x/99), an alternative version or a computer generated facsimile as allowed pursuant to Title 27, CCR, Sections 15610 and 15620 to CUPA or authorized agency, within thirty (30) days of any change to the information contained in the most recent notification. Each amended notification shall be completed, dated and signed according to the requirements of section 66270.11 as those requirements apply to permit applications and, except as provided by subsection (c)(9) of this section, shall contain all of the information specified in section 67450.2(b)(3). Businesses may report this information electronically, if the CUPA or authorized agency agrees and Title 27, CCR, Section 15187 is complied with.

(3) Submit the notification fee required by Health and Safety Code section 25205.14(a). Each FTU owner or operator who is required to submit a notification to the Department pursuant to this section shall pay 100 percent of the notification fee established by Health and Safety Code section 25205.14(a) for each notification required by subsection (c)(1) of this section within thirty (30) days after the date the fee is assessed by the Board of Equalization, except as provided in section 67450.2(b)(7), as specified in Revenue and Taxation Code section 43152.10.

(4) Restrict treatment to those processes and wastes listed in section 67450.11;

(5) Discharge any effluent or treatment residual as follows:

(A) To a publicly-owned treatment works (POTW) in accordance with all applicable industrial waste discharge requirements issued by the agency operating the POTW. Hazardous waste shall not be discharged to a POTW unless the POTW is authorized to receive the hazardous waste and the discharge of the hazardous waste is specifically approved in writing by the agency operating the POTW. The FTU owner or operator shall inform the agency operating the POTW of the time, volume, content, characteristics and point of the discharge; or

(B) In accordance with waste discharge requirements issued by a Regional Water Quality Control Board or a National Pollutant Discharge Elimination System (NPDES) permit; or

(C) To a treatment, storage or disposal facility authorized to receive the waste; or

(D) In accordance with any other applicable state law allowing alternative disposition of the effluent or treatment residual.

(6) Operate the FTU at the same facility where the waste being treated is generated. A facility which accepts waste which is not generated on-site for treatment, storage or disposal is not eligible to operate a FTU pursuant to a permit by rule.

(7) Permanently mark the exterior of each FTU with the name of the person which owns or operates the FTU, facility identification number and an individual serial number.

(8) Maintain the documents specified below at the facility where the FTU is operating. The owner or operator shall make these documents available upon demand at the facility to any representative of the CUPA or authorized agency, Department, the EPA or a local governmental agency. A copy of these documents shall be delivered in person or by certified mail with return receipt requested to the Department, CUPA or authorized agency when requested in writing by the Department, CUPA or authorized agency. The request from the Department, CUPA or authorized agency shall specify the documents which are required, where and how to submit the required documents and the date by which the documents shall be submitted. The documents include:

(A) A waste analysis plan for the treatment operation as specified in section 66265.13(b)

(B) A written inspection schedule as specified in section 66265.15(b);

(C) Training documents as specified in section 66265.16(d)(3);

(D) A contingency plan which contains the information specified in section 66265.52;

(E) A copy of the most recent notification submitted as required by sections 67450.2(b)(2), 67450.3(c)(1) and 67450.3(c)(2) and a copy of the most recent acknowledgement received from the Department, CUPA or authorized agency pursuant to sections 67450.2(b)(2) and 67450.3(d);

- (F) A copy of any local Air District permit and other permits required for the operation of the FTU;
- (G) A copy of the closure plan required by subsection (c)(11)(B) of this section;
- (H) A copy of documents related to the environmental investigation and any cleanup, abatement or other necessary remedial action taken pursuant to section 67450.7;
- (I) Documentation of any convictions, judgments, settlements, or orders resulting from any action by any local, State, or federal environmental or public health enforcement agency concerning the operation of the facility within the last three years, as the documents would be available under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Part 1 of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of the Civil Code);
- (9) Maintain compliance with sections 66264.175, 66265.148, 67450.7, 67450.13, and 66265.404 and with the following regulations in chapter 15 of this division, including those referring to permit applications:
 - (A) Article 2. General Facility Standards;
 - (B) Article 3. Preparedness and Prevention;
 - (C) Article 4. Contingency Plan and Emergency Procedures;
 - (D) Article 5. Manifest System, Recordkeeping and Reporting (except sections 66265.73(b)(2), 66265.73(b)(6), 66265.73(b)(7), 66265.73(b)(15) and 66265.75);
 - (E) Article 9. Use and Management of Containers;
 - (F) Article 10. Tank Systems (except that the contingent plan for post-closure required by section 66265.197(c)(2) shall be maintained with the closure plan required by subsection (b)(12)(B) of this section);
 - (G) Article 16. Thermal Treatment;
 - (H) Article 17. Chemical, Physical, and Biological Treatment.
- (10) Prepare and submit an annual report to CUPA or authorized agency when requested by CUPA or authorized agency. The annual report shall be delivered in person or by certified mail with return receipt requested to CUPA or authorized agency when requested in writing by CUPA or authorized agency. The request from CUPA or authorized agency shall specify where and how to submit the annual report and the date by which the annual report shall be submitted. The report shall be dated, and signed according to the requirements of section 66270.11 as those requirements apply to permit applications, and shall include the following information for each FTU which performed treatment during the calendar year preceding CUPA or authorized agency's request:
 - (A) The serial number(s) of the FTU(s) involved in treatment;
 - (B) The physical and mailing address of the business entity which owns or operates the FTU(s);
 - (C) The name, title and telephone number of each FTU contact person;
 - (D) The name and address or legal description of the facility;
 - (E) The facility identification number;
 - (F) The number of days each FTU was operated;
 - (G) The quantity of hazardous waste(s) treated by each FTU;
 - (H) The composition and hazardous characteristics of the influent hazardous waste(s);
 - (I) The treatment method(s) used for each hazardous waste treated by each FTU;
 - (J) The quantity, composition and hazardous characteristic(s) of any treatment effluent or residual discharged from each FTU to a POTW, if applicable; and
 - (K) The quantity, composition, hazardous characteristic(s) and disposition of any FTU treatment effluent or residual that was not discharged to a POTW, if applicable.
- (11) Maintain compliance with the following requirements regarding closure:
 - (A) Sections 66264.178, 66265.111(a) and 66265.111(b), in the same manner as those sections apply to facilities and section 66265.114;
 - (B) The FTU owner or operator shall have a written closure plan. The closure plan shall include:
 1. A description of how and when each FTU will be closed. The description shall identify the maximum extent of the operation during the life of the FTU(s), and how the applicable requirements of sections 66264.178, 66265.114, 66265.197(a), 66265.197(b), (c)(1) and (c)(2) and 66265.404 will be met;
 2. An estimate of the maximum inventory of waste in storage and in treatment at any time during the operation of the FTU(s) at the facility;
 3. A description of the steps needed to decontaminate the treatment equipment during closure; and
 4. An estimate of the expected year of closure and a schedule for final closure. The schedule for final closure shall include, at a minimum, the total time required to close each FTU.
 - (C) The FTU owner or operator shall maintain the closure plan in compliance with section 66265.112(c);
 - (D) Within ninety (90) days after treating the final volume of hazardous waste, the FTU owner or operator shall treat, remove from the facility, or dispose of on-site, all hazardous waste in accordance with the closure plan and the applicable requirements of this chapter unless the owner or operator demonstrates to CUPA or authorized agency that the activities required to complete the closure will require longer than ninety (90) days, or the FTU has the capacity to treat additional wastes, or there is a reasonable likelihood that a person other than the owner or operator will recommence operation of the FTU(s), and closure of the FTU(s) would be incompatible with the operation of the facility, and the owner or operator has taken and will continue to take all steps necessary to prevent threats to human health and the environment;
 - (E) The FTU owner or operator shall complete closure activities in accordance with the closure plan within 180 days after treating the final volume of hazardous waste unless the owner or operator demonstrates to CUPA or authorized agency that the activities required to complete the closure will require longer than 180 days to complete, or the FTU has the capacity to treat additional wastes, or there is a reasonable likelihood that a person other than the

owner or operator will recommence operation of the FTU(s), and closure of the FTU(s) would be incompatible with the operation of the facility, and the owner or operator has taken and will continue to take all steps necessary to prevent threats to human health and the environment;

(F) The FTU owner or operator shall notify the CUPA or authorized agency and any other agencies having jurisdiction over the closure project at least fifteen (15) days prior to completion of closure; and

(G) The FTU owner or operator shall remain in compliance with all applicable requirements of this section until the owner or operator submits to CUPA or authorized agency a certification signed by the owner or operator and by an independent, professional engineer registered in California, that closure has been completed in accordance with the closure plan and that the closure plan meets or exceeds the applicable requirements of this chapter.

(12) If treatment will be conducted in containers, the containment requirements of sections 66264.175 applicable to transfer and storage areas shall be complied with for areas where treatment occurs.

(d) CUPA or authorized agency, within forty-five (45) calendar days of receipt of an annual or amended notification submitted pursuant to subsection (c)(1) or (c)(2) of this section, shall acknowledge in writing receipt of the notification. CUPA or authorized agency shall, in conjunction with the acknowledgement, reauthorize operation of the FTU subject to the requirements of this section and sections 67450.7 and 67450.9(b) and (c), terminate or deny reauthorization to operate under permit by rule pursuant to section 67450.9(a) or notify the owner or operator that the notification is incomplete or inaccurate. If the notification is incomplete or inaccurate, CUPA or authorized agency shall specify what additional information or correction is needed. CUPA or authorized agency shall reauthorize or deny reauthorization to operate as specified in this subsection within forty-five (45) calendar days of receipt of the requested information or corrected notifications. CUPA or authorized agency shall reject the notification of any owner or operator who fails to provide the information or correction requested within ten (10) days of receipt of the acknowledgement. Upon good cause shown by the owner or operator, CUPA or authorized agency shall grant the owner or operator additional time to provide the information or correction requested. An owner or operator whose notification is rejected may submit a new notification.

NOTE: Authority cited: Sections 25150, 58004 and 58012, Health and Safety Code. Reference: Sections 25112.5, 25150, 25185.6, 25186, 25200, 25200.2, 25202.9, 25205.1 and 25245.4, Health and Safety Code.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).
2. Renumbering of former section 67450.3 to section 67450.11 and new section filed 10-23-91; operative 1-1-92 (Register 92, No. 12).
3. Amendment of subsection (c)(1) filed 6-16-92 as an emergency; operative 6-16-92 (Register 92, No. 25). A Certificate of Compliance must be transmitted to OAL 10-14-92 or emergency language will be repealed by operation of law on the following day.
4. Amendment of subsection (c)(1) refiled 10-13-92 as an emergency; operative 10-12-92 (Register 92, No. 42). A Certificate of Compliance must be transmitted to OAL 2-11-93 or emergency language will be repealed by operation of law on the following day.
5. Amendment of subsections (c)(1) and (c)(3) filed 2-9-93 as an emergency; operative 2-9-93 (Register 93, No. 7). A Certificate of Compliance must be transmitted to OAL 6-9-93 or emergency language will be repealed by operation of law on the following day.
6. Amendment of subsections (c)(1) and (c)(3) refiled 6-8-93 as an emergency; operative 6-8-93 (Register 93, No. 24). A Certificate of Compliance must be transmitted to OAL by 10-6-93 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 6-8-93 order including amendment of section and Notetransmitted to OAL 10-5-93 and filed 11-18-93 (Register 93, No. 47).
8. Editorial correction of subsection (b) (Register 95, No. 50).
9. Amendment of subsection (c)(11)(B)1. filed 2-13-96 as an emergency; operative 2-13-96 (Register 96, No. 7). A Certificate of Compliance must be transmitted to OAL by 6-12-96 or emergency language will be repealed by operation of law on the following day.
10. Reinstatement of subsection (c)(11)(B)1. as it existed prior to emergency amendment filed 2-13-96 by operation of Government Code section 11346.1(f) (Register 96, No. 25).
11. Amendment of subsection (c)(11)(B)1. filed 6-17-96 as an emergency; operative 6-17-96 (Register 96, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-15-96 or emergency language will be repealed by operation of law on the following day.
12. Amendment of subsection (c)(11)(B)1. refiled 10-15-96 as an emergency; operative 10-15-96 (Register 96, No. 42). A Certificate of Compliance must be transmitted to OAL by 2-13-97 or emergency language will be repealed by operation of law on the following day.

13. Reinstatement of section as it existed prior to 10-15-96 emergency amendment by operation of Government Code section 11346.1(f) (Register 97, No. 9).

14. Editorial correction of History¹² (Register 97, No. 9).

15. Amendment of subsection (c)(11)(B)1. filed 2-24-97 as an emergency; operative 2-24-97 (Register 97, No. 9). A Certificate of Compliance must be transmitted to OAL by 6-24-97 or emergency language will be repealed by operation of law on the following day.

16. Change without regulatory effect amending section and Note filed 3-26-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

17. Certificate of Compliance as to 2-24-97 order, including amendment of Note, transmitted to OAL 6-24-97 and filed 8-6-97 (Register 97, No. 32).

18. Amendment filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.

19. Amendment refiled 5-7-99 as an emergency; operative 5-7-99 (Register 99, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-7-99 or emergency language will be repealed by operation of law on the following day.

20. Amendment refiled 9-3-99 as an emergency; operative 9-3-99 (Register 99, No. 36). A Certificate of Compliance must be transmitted to OAL by 1-3-2000 or emergency language will be repealed by operation of law on the following day.

21. Amendment refiled 12-29-99 as an emergency; operative 1-3-2000 (Register 99, No. 53). A Certificate of Compliance must be transmitted to OAL by 5-2-2000 or emergency language will be repealed by operation of law on the following day.

22. Certificate of Compliance as to 12-29-99 order transmitted to OAL 2-29-2000 and filed 4-11-2000 (Register 2000, No. 15).

23. Change without regulatory effect amending subsection (c)(11)(D) filed 6-7-2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 24).

§ 67450.4. Requirements Applicable to Temporary Household Hazardous Waste Collection Facilities Deemed to Have a Permit by Rule.

(a) The operator of a temporary household hazardous waste collection facility (THHWCF) deemed to have a permit by rule pursuant to Section 66270.60(d)(5) may accept only the classifications of wastes listed in subsections (a)(1) through (a)(4) of this section. The operator of a THHWCF may choose not to accept any given classification of waste (such as but not limited to compressed gas cylinders, explosives, infectious or radioactive wastes). If wastes are accepted which, in addition to being regulated as hazardous wastes, are otherwise regulated, they must be managed in accordance with the regulations of all appropriate federal, state and local agencies.

(1) Household hazardous waste;

(2) Pursuant to Health and Safety Code Section 25158.1(a), hazardous waste that is generated by small quantity commercial sources;

(3) Extremely hazardous wastes if they are managed in accordance with the requirements of Chapter 43 of this division. Additionally, participating small quantity commercial source generators must themselves comply with the requirements of Chapters 12, 13 and 43 of this division for the transport of extremely hazardous wastes to the THHWCF; and

(4) Unidentified household hazardous wastes if upon receipt they are analyzed to determine the hazardous characteristics of the waste for subsequent sorting and packaging as appropriate.

(b) The operator of a THHWCF shall prepare, maintain at the facility, and operate in compliance with an operation plan as specified below. The operator shall make the operation plan available upon demand to any representative of the Department, the U.S. EPA or local governmental agency including the CUPA or authorized agency. A copy of the operation plan shall also be delivered in person or by certified mail with return receipt requested to CUPA or authorized agency when requested by CUPA or authorized agency. Any request from CUPA or authorized agency shall specify the documents which are required, where and how to submit the required documents, and the date by which the documents shall be submitted. The operation plan shall include:

(1) a description of the location and the address of the THHWCF;

(2) a copy of a map showing the general THHWCF perimeters and traffic pattern. The map shall include all of the information as specified in Sections 66270.14(b)(18)(A), (F), (G), (H), (J) and (L);

(3) a list of the days and hours of operation including alternate dates as appropriate;

(4) the name, address and identification number of the THHWCF;

(5) the name, address and telephone number of the contact person for the THHWCF,

(6) the agency or contractor which will be providing the site supervisor(s) for the THHWCF(s). The name(s) of the individual site supervisor(s) for each THHWCF session must be recorded in the operation plan on or before the date of that session.

- (7) a description of the length of time the waste will be held at the THHWCF;
- (8) a description of the procedure to be followed to ensure that the facility will be managed in an environmentally safe manner in the event of inclement weather;
- (9) if wastes from small quantity commercial sources will be accepted, a description of the measures which will be taken to handle the acceptance of the small quantity commercial source wastes separately from the household wastes. These measures shall include:
 - (A) directing small quantity commercial source generators to a receiving area of the THHWCF separate from the receiving area for household waste, or
 - (B) limiting small quantity commercial source waste acceptance to different hours than household waste acceptance.
- (10) a description of the measures to be taken to ensure that all waste is removed from the facility and all contaminated facility structures, equipment and soil are either decontaminated or removed following termination of the THHWCF;
- (11) training documents as specified in Section 66264.16(d);
- (12) a contingency plan which contains the information specified in Section 66264.52. Additionally, the contingency plan shall include identification of an offsite contingency storage location where wastes could temporarily be stored pending resolution of any delay in final waste acceptance by the receiving facility identified on the manifest(s);
- (13) a copy of the documents as specified in Section 66264.17(c) if applicable;
- (14) if solvents, oil-based paints or gasoline will be bulked at the THHWCF, a copy of the written protocol approved by the local fire and air pollution prevention agencies in which the THHWCF is located;
- (15) copies of all local permits obtained for the operation of the facility;
- (16) a copy of the written agreement between the property owner and the operator or the THHWCF; and
- (17) if the facility is to be managed by a contractor, a copy of the written agreement between the contractor and the operator of the THHWCF.
- (c) The operator of a THHWCF shall maintain compliance with Sections 66264.16 and 66264.17 and the following regulations:
 - (1) Chapter 12. Requirements for Generators of Hazardous Waste;
 - (2) Chapter 14, Article 3. Preparedness and Prevention; and
 - (3) Chapter 14, Article 4. Contingency Plan and Emergency Procedures.
- (d) The operator of a THHWCF shall operate the THHWCF in a location that:
 - (1) is clearly marked to control public access;
 - (2) has a buffer zone which has the written approval of the appropriate local agencies;
 - (3) is large enough to accommodate all of the necessary equipment, personnel and anticipated number of vehicles for safe operation;
 - (4) is paved with asphalt or concrete in good repair. Additionally, all waste handling areas (with the exception of traffic lanes) must be covered with contiguous plastic sheeting of at least 6 mil thickness. Any punctured or torn plastic must be repaired or replaced immediately.
 - (5) has a physical barrier such as cones, tape or tables to delineate the perimeter of the handling and storage areas;
 - (6) has an area(s) or structure(s) that has the written approval of the appropriate local agencies to store all containers holding ignitable and/or reactive waste;
 - (7) has a canopy or other roof structure, when necessary, to prevent exposure to excessive heat or precipitation, that covers waste handling area(s) designated for sorting, bulking and packaging;
 - (8) has signs posted warning that the receiving, handling and storage areas contain hazardous waste and with the legend "Danger! Hazardous Waste Area - Unauthorized Personnel Keep Out". Additionally, signs shall be posted that prohibit food, beverages and smoking in the receiving, handling and storage areas. All signs shall be:
 - (A) in English and any other language predominant in the area surrounding the facility; and
 - (B) legible from a distance of at least 25 feet.
 - (9) has a storage area that:
 - (A) is surrounded by a fence constructed in a manner to prevent access by unauthorized persons; or
 - (B) is contained within a secured area with controlled access; or
 - (C) is monitored by a 24-hour surveillance system (e.g., television monitoring or surveillance by guards or facility personnel) which continuously monitors and controls entry into the storage area; and
 - (D) has artificial lighting to ensure safe, effective management of the waste if the THHWCF operates or stores wastes during hours of darkness; and
 - (E) has a separate storage area for wastes which are ready to be transported off-site; and
 - (10) provides traffic control which is:
 - (A) approved by the appropriate local agency;
 - (B) directed by staff and/or volunteers authorized by the operator, fire department or law enforcement agency;
 - (C) routed in a one-way direction to minimize backing up or turning around; and
 - (D) controlled to assure that persons delivering the wastes remain in their vehicles while in the waste acceptance area of the facility.
- (e) The operator of a THHWCF shall handle the waste received at the facility as follows:
 - (1) assure that bulking of wastes shall be performed:

- (A) in a manner which prevents the mixing of incompatible wastes; and
- (B) in a secured area away from the receiving area;
- (2) limit bulking and filtering of wastes at the THHWCF to water-based paints, oil-based paints, compatible solvents, gasoline, antifreeze, used oil and roofing tar. If solvents, oil-based paints or gasoline are to be bulked, the operator shall observe the following restrictions:
 - (A) the bulking of solvents, oil-based paints or gasoline shall not occur during hours when wastes are being accepted at the THHWCF; and
 - (B) the bulking of solvents, oil-based paints or gasoline shall be conducted in compliance with written protocol approved by local fire and air pollution prevention agency jurisdictions in which the THHWCF is located;
 - (3) bulk, package and ship used oil to a facility authorized to receive used oil pursuant to Section 25200, Health and Safety Code;
 - (4) package and label the properly sorted waste in accordance with Department of Transportation (DOT) requirements pursuant to Subchapter C, Title 49, Code of Federal Regulations (CFR);
 - (5) assure that personnel who sort, bulk or package waste meet the personnel training requirements specified in Section 66264.16(a) and the requirements of the Occupational Safety and Health Administration (California Code of Regulations, Title 8 Sections 3380 and 5192);
 - (f) The operator of a THHWCF shall assure that removal and/or decontamination of structures, equipment, soil and all collected materials and wastes shall be completed within 144 hours after termination of the session and shall assure that all contaminated materials and wastes are removed by a registered hazardous waste transporter or other authorized person.
 - (g) The operator of a THHWCF shall establish a separate record which identifies the name, address, and identification number of the small quantity commercial source generator (if any), the type(s) and quantity(ies) of hazardous wastes accepted from small quantity commercial sources, and the fees paid to the THHWCF for the management of those wastes.
 - (h) The operator of a THHWCF shall assure that copies of the following reports and records pertaining to the THHWCF operations are maintained and available upon demand to CUPA, or authorized agency by the operator of the THHWCF for a period of at least three years from the commencement of the THHWCF:
 - (1) the operation plan required by subsection (a)(2) of this section;
 - (2) the notification submitted as required by Section 66270.60(e); and
 - (3) all records which identify receipts and shipments of hazardous wastes from household and small quantity commercial sources.
 - (i) The operator of a THHWCF shall submit a written report to the appropriate CUPA or authorized agency of any incidents of noncompliance with these regulatory requirements that may have occurred within 15 days of such an occurrence. The report shall include all of the following:
 - (1) the name, address and telephone number of the operator;
 - (2) the location and address of the THHWCF;
 - (3) the days and hours of operation;
 - (4) a description of the incident and the reason for the occurrence; and
 - (5) the procedures to be implemented to prevent a recurrence of the incident if applicable.

NOTE: Authority cited: Sections 25150 and 58012, Health and Safety Code. Reference: Sections 25112.5, 25150, 25159, 25159.5, 25185.6, 25186, 25200, 25200.2, 25205 and 25205.1, Health and Safety Code; and Title 40, Section 262.41, Code of Federal Regulations.

HISTORY

1. New section filed 4-12-93; operative 4-12-93 (Register 93, No. 16). For prior history see Register 92, No. 12.
2. Editorial correction of subsection (e)(2) (Register 95, No. 50).
3. Amendment of subsection designator (c) filed 11-7-96; operative 11-7-96 (Register 96, No. 45).
4. Amendment of subsections (b), (h) and (i) filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
5. Amendment of subsections (b), (h) and (i) refiled 5-7-99 as an emergency; operative 5-7-99 (Register 99, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-7-99 or emergency language will be repealed by operation of law on the following day.
6. Amendment of subsections (b), (h) and (i) refiled 9-3-99 as an emergency; operative 9-3-99 (Register 99, No. 36). A Certificate of Compliance must be transmitted to OAL by 1-3-2000 or emergency language will be repealed by operation of law on the following day.
7. Amendment of subsections (b), (h) and (i) refiled 12-29-99 as an emergency; operative 1-3-2000 (Register 99, No. 53). A Certificate of Compliance must be transmitted to OAL by 5-2-2000 or emergency language will be repealed by

operation of law on the following day.

8. Certificate of Compliance as to 12-29-99 order transmitted to OAL 2-29-2000 and filed 4-11-2000 (Register 2000, No. 15).

9. Change without regulatory effect amending subsection (b)(6) filed 6-7-2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 24).

10. Change without regulatory effect repealing subsection (b)(15) and renumbering subsections filed 7-14-2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 29).

§ 67450.5. Liability Requirements: Coverage for Sudden Accidental Occurrences for Transportable Treatment Units Which Are Permitted by Rule.

NOTE: Authority cited: Sections 208, 25200.2 and 25425, Health and Safety Code. Reference: Section 25150, Health and Safety Code.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

1. Renumbering and amendment of former section 67450.5 to section 67450.14 filed 10-23-91; operative 1-1-92 (Register 92, No. 12).

§ 67450.7. Corrective Action Requirements for Facilities Operating Under Permit by Rule.

(a) An owner or operator of a facility who operates a transportable treatment unit (TTU) or fixed treatment unit (FTU) under a permit by rule pursuant to section 67450.2(a) or section 67450.2(b) shall complete a corrective action program at the facility. Corrective action shall consist of a phase 1 environmental assessment developed pursuant to Health and Safety Code section 25200.14 and subsequent corrective action conducted in accordance with the requirements in section 68400.16 as necessary to protect human health and the environment for all releases of hazardous waste or constituents from any solid or hazardous waste management unit at the facility, regardless of the time at which waste was placed in the unit.

(1) For purposes of this section, a "facility" shall include the entire site that is under the control of the owner or operator of the facility who is operating or proposing to operate a TTU or FTU under a permit by rule.

(2) For purposes of this section, a phase I environmental assessment means a preliminary site assessment based on reasonably available knowledge of the facility, including, but not limited to, historical use of the property, prior releases, visual and other surveys, records, consultant reports, and regulatory agency correspondence. The phase 1 environmental assessment shall consist of completion of the Phase 1 Environmental Assessment Checklist developed by DTSC pursuant to HSC Section 25200.14.

(3) The phase 1 environmental assessment shall be conducted and submitted to the Department or the UPA authorized by the Department within one year of the initial notification submitted to the Department or authorized UPA pursuant to section 67450.2(b)(2).

(b) The notifications required pursuant to sections 67450.2(b)(2) and 67450.3(a)(3), and any subsequent notifications required by sections 67450.3(a)(4), 67450.3(c)(1) or 67450.3(c)(2) shall specify whether a phase I environmental assessment has been completed. The owner or operator of the FTU(s) or TTUs shall submit the Phase I Environmental Assessment Checklist to the Department at the address specified on form DTSC 1772 (1/96) or to the authorized UPA. The certification shall be signed as required by Health and Safety Code section 25200.14(d).

NOTE: Authority cited: Sections 25150, 58004 and 58012, Health and Safety Code. Reference: Sections 25150, 25187, 25200, 25200.10 and 25404.1, Health and Safety Code.

HISTORY

1. New section filed 10-23-91; operative 1-1-92 (Register 92, No. 12).

2. Change without regulatory effect amending subsection (a), adding new subsections (a)(2)-(3), renumbering subsections, amending subsections (b), (c) and (e) and amending Note filed 3-26-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

3. Amendment of subsection (a) and repealer of subsections (a)(1)-(g) filed 11-19-98 as an emergency; operative 11-19-98 (Register 98, No. 47). A Certificate of Compliance must be transmitted to OAL by 3-19-99 or emergency language will be repealed by operation of law on the following day.

4. Reinstatement of subsections (a)-(g) as they existed prior to 11-19-98 emergency amendment by operation of

Government Code section 11346.1(f) (Register 99, No. 12).

5. Amendment of subsection (a) and (a)(3), repealer of subsection (a)(4), amendment of subsection (b), repealer of subsections (b)(1)-(g) and amendment of Note filed 7-20-2006; operative 8-19-2006 (Register 2006, No. 29).

§ 67450.9. Termination, Suspension and Denial of Authorization or Reauthorization, and Operating Restrictions for Units and Facilities Operating Under Permit by Rule.

(a) Notwithstanding the provisions of Chapter 21 of this division, the Department may revoke or suspend authorization or reauthorization for any TTU, FTU or facility operating or proposing to operate under a permit by rule as provided in this section. The Department may also deny authorization or reauthorization for any TTU operating or proposing to operate under a permit by rule as provided in this section. The Department shall base a decision on any one of the factors set forth in section 66270.43(a) or (b) or on Health and Safety Code section 25186 or on a finding that operation of the unit(s) or facility in question will endanger human health, domestic livestock, wildlife, or the environment.

(1) Notice of revocation or suspension shall be provided to the applicant or permittee by certified mail with return receipt requested or by personal service;

(2) An owner or operator whose authorization or reauthorization to operate a unit or facility under a permit by rule is revoked or suspended and who wishes to appeal the revocation or suspension shall appeal by submitting a letter to the Department, within ten (10) days of receipt of notice of denial, requesting a hearing.

(3) Proceedings to appeal the Department's decision concerning revocation or suspension of authorization to operate under a permit by rule shall be conducted in accordance with chapter 5 (commencing with section 11500) of part 1 of division 3 of title 2 of the Government Code.

(b) Notwithstanding the provisions of Chapter 21 of this division, the CUPA or authorized agency including the Department, may deny authorization or reauthorization for any unit or facility operating or proposing to operate under a permit by rule as provided in this section. The CUPA or authorized agency shall base a decision on any one of the factors set forth in section 66270.43(a) or (b) or on Health and Safety Code section 25186 or on a finding that operation of the unit(s) or facility in question will endanger human health, domestic livestock, wildlife, or the environment.

(1) Notice of denial shall be provided to the applicant or permittee by certified mail with return receipt requested or by personal service;

(2) An owner or operator who is denied authorization or reauthorization to operate a unit or facility under a permit by rule and who wishes to appeal the denial shall appeal by submitting a letter to the CUPA or authorized agency, within ten (10) days of receipt of notice of denial, requesting a hearing.

(3) Proceedings to appeal a CUPA or authorized agency's decision concerning denial of authorization or reauthorization to operate under a permit by rule shall be conducted in accordance with chapter 5 (commencing with section 11500) of part 1 of division 3 of title 2 of the Government Code.

(c) No treatment process which establishes an unpermitted waste pile, land treatment facility, surface impoundment, injection well, landfill or storage facility is eligible to operate under a permit by rule.

(d) Any authorization to operate granted pursuant to section 67450.2(a), section 67450.2(b), section 66270.60(d)(5) or section 66270.60(d)(6) or reauthorization granted pursuant to section 67450.3(b) or section 67450.3(d) is contingent upon the accuracy of information contained in the notifications required by sections 67450.2(a) and (b), sections 67450.3(a) and (c), section 66270.60(d)(5)(A), and section 66270.60(d)(6)(A). Any misrepresentation or any failure to fully disclose all relevant facts shall render the authorization or reauthorization to operate null and void.

NOTE: Authority cited: Sections 25150 and 58012, Health and Safety Code. Reference: Sections 25186, 25186.1, 25186.2 25200, 25218.2 and 25218.3, Health and Safety Code; and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

HISTORY

1. New section filed 10-23-91; operative 1-1-92 (Register 92, No. 12).
2. Amendment of section heading and subsections (a)-(a)(2), newly designated subsection (a)(3) and amendment of Note filed 7-19-95; operative 8-18-95 (Register 95, No. 29).
3. Amendment of subsection (c) and Note filed 11-7-96; operative 11-7-96 (Register 96, No. 45).
4. Amendment of section heading and subsections (a)-(a)(3), new subsections (b)-(b)(3) and subsection relettering filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
5. Amendment of section heading and subsections (a)-(a)(3), new subsections (b)-(b)(3) and subsection relettering refilled 5-7-99 as an emergency; operative 5-7-99 (Register 99, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-7-99 or emergency language will be repealed by operation of law on the following day.
6. Amendment of section heading and subsections (a)-(a)(3), new subsections (b)-(b)(3) and subsection relettering refilled 9-3-99 as an emergency; operative 9-3-99 (Register 99, No. 36). A Certificate of Compliance must be transmitted to OAL by 1-3-2000 or emergency language will be repealed by operation of law on the following day.

7. Amendment of section heading and subsections (a)-(a)(3), new subsections (b)-(b)(3) and subsection relettering refiled 12-29-99 as an emergency; operative 1-3-2000 (Register 99, No. 53). A Certificate of Compliance must be transmitted to OAL by 5-2-2000 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 12-29-99 order transmitted to OAL 2-29-2000 and filed 4-11-2000 (Register 2000, No. 15).

§ 67450.11. List of Influent Waste Streams and Treatment Process(es) for Influent Waste Streams Eligible for Treatment Pursuant to Permit by Rule.

(a) The following hazardous wastes are eligible for treatment by TTUs operating pursuant to section 67450.2(a) or by FTUs operating pursuant to section 67450.2(b) provided treatment of the waste is not regulated under the federal Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C., section 6901 et seq.), the waste is not reactive pursuant to section 66261.23 or extremely hazardous pursuant to sections 66261.107 or 66261.110, the waste to be treated is a hazardous waste only because it contains one or more constituents listed in this section, the only treatment technologies used are the ones listed in this section for the waste stream(s) eligible to be treated, the treatment is conducted only for the purpose of treating eligible constituent(s), all treatment is conducted in tanks or containers, and all discharges to air comply with applicable federal, state and local air pollution control statutes and regulations:

(1) Aqueous wastes containing hexavalent chromium may be treated by the following process:

(A) Reduction of hexavalent chromium to trivalent chromium with sodium bisulfite, sodium metabisulfite, sodium thiosulfate, ferrous sulfate, ferrous sulfide or sulfur dioxide, provided both pH and addition of the reducing agent are automatically controlled.

(2) Aqueous wastes containing metals listed in section 66261.24(a)(2) and/or fluoride salts may be treated by the following technologies:

- (A) pH adjustment or neutralization.
- (B) Precipitation or crystallization.
- (C) Phase separation by filtration, centrifugation or gravity settling.
- (D) Ion exchange.
- (E) Reverse osmosis.
- (F) Metallic replacement.
- (G) Plating the metal onto an electrode.
- (H) Electrodialysis.
- (I) Electrowinning or electrolytic recovery.
- (J) Chemical stabilization using silicates and/or cementitious types of reactions.
- (K) Evaporation.
- (L) Adsorption.

(3) Aqueous wastes with total organic carbon less than ten percent as measured by EPA Method 9060 described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", SW-846, 3rd Edition, U.S. Environmental Protection Agency, 1986 and less than one percent total volatile organic compounds as measured by EPA Method 8240 described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", SW-846, 3rd Edition, U.S. Environmental Protection Agency, 1986 may be treated by the following technologies:

(A) Phase separation by filtration, centrifugation or gravity settling, but excluding super critical fluid extraction.

- (B) Adsorption.
- (C) Distillation.
- (D) Biological processes conducted in tanks or containers and utilizing naturally occurring microorganisms.
- (E) Photodegradation using ultraviolet light, with or without the addition of hydrogen peroxide or ozone, provided the treatment is conducted in an enclosed system:

(F) Air stripping or steam stripping.

(4) Sludges, dusts, solid metal objects and metal workings which contain or are contaminated with metals listed in section 66261.24(a)(2) and/or fluoride salts, may be treated by the following technologies:

- (A) Chemical stabilization using silicates and/or cementitious types of reactions.
- (B) Physical processes which change only the physical properties of the waste such as grinding, shredding, crushing, or compacting.

(C) Drying to remove water.

(D) Separation based on differences in physical properties such as size, magnetism or density.

(5) Alum, gypsum, lime, sulfur or phosphate sludges may be treated by the following technologies:

(A) Chemical stabilization using silicates and/or cementitious types of reactions.

(B) Drying to remove water.

(C) Phase separation by filtration, centrifugation or gravity settling.

(6) Wastes listed in section 66261.120 which meet the criteria and requirements for special waste classification in section 66261.122 may be treated by the following technologies:

(A) Chemical stabilization using silicates and/or cementitious types of reactions.

(B) Drying to remove water.

(C) Phase separation by filtration, centrifugation or gravity settling.

- (D) Screening to separate components based on size.
- (E) Separation based on differences in physical properties such as size, magnetism or density.
- (7) Wastes, except asbestos, which have been classified by the Department as special wastes pursuant to section 66261.124, may be treated by the following technologies:
 - (A) Chemical stabilization using silicates and/or cementitious types of reactions.
 - (B) Drying to remove water.
 - (C) Phase separation by filtration, centrifugation or gravity settling.
 - (D) Magnetic separation.
- (8) Inorganic acid or alkaline wastes may be treated by the following technology:
 - (A) pH adjustment or neutralization.
- (9) Soils contaminated with metals listed in section 66261.24(a)(2) may be treated by the following technologies:
 - (A) Chemical stabilization using silicates and/or cementitious types of reactions.
 - (B) Screening to separate components based on size.
 - (C) Magnetic separation.
- (10) Used oil as defined in Health and Safety Code section 25250.1, unrefined oil waste, mixed oil, oil mixed with water and oil/water separation sludges may be treated by the following technologies:
 - (A) Phase separation by filtration, centrifugation or gravity settling, but excluding super critical fluid extraction.
 - (B) Distillation.
 - (C) Neutralization.
 - (D) Separation based on differences in physical properties such as size, magnetism or density.
 - (E) Reverse osmosis.
 - (F) Biological processes conducted in tanks or containers and utilizing naturally occurring microorganisms.
- (11) Containers of 110 gallons or less capacity which are not constructed of wood, paper, cardboard, fabric or any other similar absorptive material, which have been emptied as specified in Title 40 Code of Federal Regulations section 261.7 revised July 1, 1990) or inner liners removed from empty containers that once held hazardous waste or hazardous material and which are not excluded from regulation pursuant to this chapter may be treated by the following technologies provided the treated containers and rinseate are managed in compliance with the applicable requirements of this chapter:
 - (A) Rinsing with a suitable liquid capable of dissolving or removing the hazardous constituents which the container held.
 - (B) Physical processes such as crushing, shredding, grinding or puncturing, that change only the physical properties of the container or inner liner, provided the container or inner liner is first rinsed as provided in subsection (a)(11)(A) of this section and the rinseate is removed from the container or inner liner.
- (12) Multi-component resins may be treated by the following process:
 - (A) Mixing the resin components in accordance with the manufacturer's instructions.
- (13) A waste stream technology combination certified by the Department pursuant to Section 25200.1.5 of the Health and Safety Code as appropriate for authorization under Permit by Rule.
 - (b) For purposes of this section an aqueous waste is defined as a waste containing water, and less than or equal to one percent of suspended solids, as measured by Method 209C described in "Standard Methods for Examination of Water and Wastewater," 16th Edition, published jointly by the American Public Health Association, the American Water Works Association, and the American Pollution Control Federation, 1985.
 - (c) Treatment residuals and effluents generated from the operation of a TTU or FTU shall be subject to the requirements of chapter 6.5 of division 20 of the Health and Safety Code and of this division, and shall be the responsibility of the generator of the waste influent treated by the TTU or FTU. Treatment residuals and effluents generated during closure of a TTU or FTU shall be subject to the requirements of chapter 6.5 of division 20 of the Health and Safety Code and of this division and shall be the responsibility of the TTU or FTU owner or operator.
 - (d)(1) Notwithstanding subsection (a), cyanide-containing aqueous wastes listed in subsection (d)(2) are eligible for treatment by TTUs operating pursuant to section 67450.2 subsection (a) or FTUs operating pursuant to section 67450.2 subsection (b) provided that:
 - (A) treatment of the waste is not regulated under the federal Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C., section 6901 et seq.);
 - (B) the waste is not extremely hazardous pursuant to sections 66261.107 or 66261.110 (except for waste identified in paragraphs 2(F) and (G) of subsection (d));
 - (C) notwithstanding any other basis for a determination that the waste to be treated is a hazardous waste, said waste is hazardous because it contains cyanide or a combination of cyanide and metals listed in section 66261.24 subsection (a)(2);
 - (D) the treatment is conducted solely for the purpose of treating cyanide-containing waste in accordance with processes listed in subsection (d)(3), or (d)(7); or the purpose of treating spent process solutions by electrowinning pursuant to subsection (d)(6);
 - (E) the owner or operator of the TTU and/or FTU is in compliance with the requirements of subsection (d)(4);
 - (F) all treatment is conducted in tanks or containers; and
 - (G) all discharges to air comply with applicable federal, state, and local air pollution control and worker safety statutes and regulations.
 - (2) Cyanide-containing wastes eligible for treatment pursuant to this subsection are:

(A) aqueous wastes generated by rinsing workpieces and fixtures holding workpieces that were processed in cyanide-containing solutions;

(B) aqueous wastes generated by reverse osmosis or the regeneration of demineralizer (ion exchange) columns that were used for recycling of wastewaters at facilities that maintain zero discharge of wastewaters derived from the treatment of cyanide-containing aqueous waste;

(C) aqueous wastes generated by rinsing containers, pumps, hoses, and other equipment used to transfer cyanide solutions onsite;

(D) aqueous wastes generated by the following onsite recycling activities:

1. rinsing spent anode bags prior to onsite reuse; or
2. rinsing empty containers prior to onsite reuse;

(E) aqueous wastes generated by onsite laboratories conducting analyses and testing;

(F) spent process solutions managed in accordance with the requirements of subsection (d)(6); and

(G) spent process solutions managed in accordance with the requirements of subsection (d)(7).

(3) The following processes may be used to treat the wastes described in subsections (d)(2)(A)-(E):

(A) oxidation by addition of hypochlorite;

(B) oxidation by addition of peroxide or ozone, with or without the use of ultraviolet light;

(C) alkaline chlorination;

(D) electrochemical oxidation;

(E) ion exchange; or

(F) reverse osmosis.

(4) The owners or operators of all sites or facilities subject to subsection (d) shall implement the following to reduce waste generation, and minimize or eliminate releases to work areas and the environment:

(A) use holding racks and/or drain boards between all process and rinse tanks to contain plating drag-out, rinse solution drag-out, and return drag-out solutions to process tanks;

(B) use countercurrent rinsing to reduce water use and wastewater generation when multiple sequential rinse tanks are used;

(C) at a minimum, every four (4) years, review the use of cyanide-containing process baths to determine if a non-cyanide alternative with equivalent results is available as part of:

1. the Source Reduction Evaluation Review and Plan pursuant to Health and Safety Code section 25244.19,
2. an Environmental Management System, or
3. an environmental performance evaluation plan;

(D) provide initial and annual training to employees, who handle cyanide process solutions, cyanide-containing rinse waters, or manage cyanide-containing aqueous waste, on how to reduce wastes in the production area, including, but not limited to, procedures to:

1. reduce drag-out of plating baths,
2. minimize contaminants in process baths,
3. extend process bath life,
4. minimize chemical spills and splashes from process and rinse solutions handling practices, and
5. respond to chemical spills to reduce waste and minimize releases from process and rinse solutions handling practices.

(5) Non-aqueous cyanide-containing wastes may not be treated under the authority of subsection (d).

(6) Spent process solutions containing recoverable amounts of metal may be treated by electrowinning in order to recover those metals provided that the owner or operator is in compliance with the requirements of subsection (d). Incidental treatment of cyanide contained in the spent process solution by the electrowinning process is also authorized by subsection (d)(6). For the purposes of subsection (d), electrowinning means the electrodeposition of metals from spent process solution.

(7) Spent cyanide-containing process solutions may be treated by slow addition to the aqueous waste identified in paragraphs (2)(A) and (C) of subsection (d) for the purpose of reducing cyanide processing hazards, provided that the owner or operator is in compliance with the following requirements. Solutions resulting from the mixing authorized in subsection (d)(7) shall be further treated by processes listed in subsection (d)(3) in accordance with the other provisions of subsection (d). Owners or operators managing cyanide-containing spent process solutions shall ensure the following:

(A) the concentration of cyanide in solutions treated in accordance with subsection (d)(3) shall not exceed 5000 milligrams per liter or parts per million (ppm) of total cyanide;

(B) residual solids generated by any treatment process allowed in section 67450.11, such as filtercakes and sludges from clarifiers, are either:

1. recycled by a facility that recovers metals from the residual solids, or are partially reclaimed for further processing by another metal recovery facility; or
2. determined not amenable for recycling due to technological or economic reasons in accordance with paragraph (7)(C), and;

(C) a justification statement is prepared when any residual solids are not recycled in accordance with subparagraph (7)(B)1. in a calendar year. Owners or operators shall complete this justification statement by January 30, for any shipment of residual solids not recycled in the previous calendar year. The justification statement shall include all the following:

1. chemical composition of the residual solids, including but not limited to, the concentration and type of metals present, cyanide concentration, and water content; and the total weight or volume of the residual solid not recycled during the previous calendar year.

2. chemical composition of the spent process solutions, including but not limited to, the concentration and type of metals present, and cyanide concentration; and the total weight or volume of the spent process solution treated during the previous calendar year.

3. current year cost estimates expressed in dollars per pound or dollars per gallon for the following hazardous waste management options, including transportation:

- a. offsite disposal of the residual solids including treatment;
- b. offsite recycling of the residual solids;
- c. offsite treatment of process solutions; and
- d. onsite treatment of process solutions.

4. a basis for the decision to not recycle the residual solids as either:

a. technological and provide the chemical, physical, hazardous characteristics, or other properties that affect recycling the residual solids; or

b. economic and provide a comparison of the hazardous waste management costs including, but be not limited to, all costs listed in subparagraph (7)(C)1. and (7)(C)2. for both managing the residual solids and managing the spent process solutions;

(D) the justification statement may include any other information that influenced or formed the basis of the generator's decision to not recycle the residual solids. This supplemental information may include the availability of suitable processing technology and facilities; or the marketability of the residual solid or its reclaimed components; and

(E) the following records are maintained at the facility for a minimum of three years from the last date of any activity authorized pursuant to this paragraph of this subsection and made available to authorized representatives of the Department, the CUPA, or the U.S. EPA upon request:

1. written approval from the agency operating the POTW receiving the facility's discharges required by section 67450.3 subsections (a)(7)(A) or (c)(5)(A);

2. written method documented in the waste analysis plan required by section 67450.3 subsections (a)(10)(A) and (c)(8)(A) for ensuring that the concentration of total cyanide does not exceed 5000 milligrams per liter in the aqueous waste resulting from the mixing authorized in subsection (d)(7); and

3. documentation that the residual solids generated by the treatment pursuant to paragraph (7)(B) of this subsection have been either:

- a. sent offsite for metals recovery or reclamation; or
- b. determined to be not amenable for recycling in accordance with paragraph (7)(C).

NOTE: Authority cited: Sections 25150, 58004 and 58012, Health and Safety Code. Reference: Sections 25150, 25200 and 25200.2, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 67450.3 to section 67450.11 filed 10-23-91; operative 1-1-92 (Register 92, No. 12).

2. Change without regulatory effect amending subsections (a), (a)(6), (a)(7) and (a)(12)(A), adding new subsection (a)(13) and amending Note filed 3-26-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 13).

3. New subsections (d)(1)-(d)(7)(E)3.b. filed 7-7-2008; operative 8-6-2008 (Register 2008, No. 28).

§ 67450.13. Financial Assurance for Closure of Transportable Treatment Units and Fixed Treatment Units Which Are Authorized Under Permit by Rule and Generators Who Are Authorized Under Conditional Authorization.

(a) Notwithstanding any other requirements of this article, this section shall apply to all owners or operators of transportable treatment units (TTUs) (as defined in section 66260.10) deemed to have a permit by rule pursuant to section 67450.2, subsection (a), with owners or operators of fixed treatment units (FTUs) (as defined in section 66260.10) deemed to have a permit by rule pursuant to section 67450.2, subsection (b), and generators operating pursuant to a grant of Conditional Authorization (CA) (as defined in Health & Safety Code section 25110.9.1, subdivision (a)). Agencies of the State and Federal governments are exempt from the requirements of this section. For purposes of this section, state government shall not include municipal, local, city, county, city-county special district government or any subdivisions thereof.

(1) The TTU owner or operator, FTU owner or operator, or a generator operating pursuant to a grant of Conditional Authorization shall prepare a written estimate of the cost of closing each unit. The estimate shall equal the actual cost or the costs estimated by an owner or operator or a generator that would be incurred for closing a treatment unit when using the owner or operator or generator's own staff and/or personal equipment. The closure cost estimate may take into account any salvage value that may be realized from the sale of wastes, facility structure or equipment, land or other facility assets. This estimate shall be submitted as an attachment to the Certification of

Financial Assurance for Permit by Rule and Conditionally Authorized Operations page(s) of the Unified Program Consolidated Form (x/99)).

(2) The TTU owner or operator, FTU owner or operator, or a generator operating pursuant to a grant of Conditional Authorization shall adjust the closure cost estimate for inflation by March 1 of each year. The adjustment shall be made as specified in subsections (a)(2)(A) and (a)(2)(B) of this section, using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product as published by the U.S. Department of Commerce in its Survey of Current Business. The inflation factor is the result of dividing the latest published annual Deflator by the Deflator of the previous year.

(A) The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.

(B) Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.

(3) The TTU owner or operator or FTU owner or operator shall revise the closure cost estimate whenever a change in the closure plan increases the cost of closure. The revised closure cost estimate shall be adjusted for inflation as specified in subsection (a)(2) of this section. The owner or operator shall maintain the following at the facility during the operating life of the facility: the latest closure cost estimate prepared in accordance with subsection (a)(1) of this section, and the latest closure cost estimate adjusted in accordance with subsection (a)(2) of this section.

(4) A generator operating pursuant to a grant of Conditional Authorization shall revise the closure cost estimate whenever a change occurs that increases the cost of closure. The revised closure cost estimate shall be adjusted for inflation as specified in subsection (a)(2) of this section. The owner or operator shall maintain the following at the facility during the operating life of the facility: the latest closure cost estimate prepared in accordance with subsection (a)(1) of this section, and the latest closure cost estimate adjusted in accordance with subsection (a)(2) of this section.

(5) On or after October 1, 1996, financial assurance for closure of a TTU, FTU, or treatment unit operated by a generator authorized pursuant to a grant of Conditional Authorization shall be obtained by one of the following methods:

- (A) a closure trust fund, as described in section 66265.143, subsection (a);
- (B) a surety bond guaranteeing payment into a closure trust fund, as described in section 66265.143, subsection (b);
- (C) a closure letter of credit, as described in section 66265.143, subsection (c);
- (D) closure insurance, as described in section 66265.143, subsection (d);
- (E) a financial test and corporate guarantee for closure, as described in section 66265.143, subsection (e);
- (F) Use of multiple financial mechanisms for closure costs as described in section 66265.143, subsection (f);

or

(G) an alternative financial mechanism for closure costs, as described in sections 66265.143, subsection (h), or subsection (c) of this section. A certificate of deposit, as described in section 3-104(2)(c) of the Uniform Commercial Code, or a savings account as described in section 4-104(a) of the Uniform Commercial Code, are examples of alternative financial mechanisms.

(6) A FTU owner or operator, or a generator operating pursuant to a grant of Conditional Authorization may request permission to fund the financial mechanism over a period not to exceed five (5) years from the CUPA or the authorized agency. The request to the CUPA or authorized agency, shall contain the reason(s) and information as specified in subsections (c)(1) and (c)(2) of this section. A CUPA or the authorized agency, shall evaluate and respond to each request in writing within sixty (60) days of receipt.

(7)(A) Notwithstanding any other provision of regulation, financial assurance for closure of a FTU, operated pursuant to permit by rule, or treatment unit operated by a generator authorized pursuant to a grant of Conditional Authorization shall establish the CUPA, or the authorized agency, as the beneficiary of any financial documents to be submitted to comply with the requirements of this section.

(B) Financial assurance for closure of a TTU shall establish the Department as the beneficiary of any financial documents to be submitted to comply with the requirements of this section.

(8)(A) On and after January 1, 1997, a financial assurance mechanism shall be submitted with the certification required in subsection (b) to the CUPA or the authorized agency, unless the FTU owner or operator, operating pursuant to permit by rule, or a generator operating pursuant to a grant of Conditional Authorization is exempt by subsection (e) of this section.

(b) The FTU owner or operator, operating pursuant to permit by rule, or a generator operating pursuant to a grant of Conditional Authorization shall submit a Certification of Financial Assurance for Permit by Rule and Conditionally Authorized Operations page(s) of the Unified Program Consolidated Form (x/99)) for each FTU facility that has one or more FTUs, or CA treatment location documenting compliance with the closure cost assurance requirements of subsection (a) of this section. The TTU owner or operator, operating pursuant to permit by rule, shall submit a Certification of Financial Assurance for Permit by Rule and Conditionally Authorized Operations [DTSC 1232 (8/96)] for each TTU, documenting compliance with the closure cost assurance requirements of subsection (a) of this section. The certification for TTU operations shall accompany each initial notification required in sections 67450.2(a), 67450.3(a)(1) and 67450.3(a)(2) unless the notification was previously submitted to the Department before January 1, 1997. The certification for PBR fixed treatment unit operations shall accompany each initial notification required in sections 67450.2(b)(2), 67450.2(b)(3)(G), 67450.3(c)(1) and 67450.3(c)(2) unless the notification was previously submitted to the Department before January 1, 1997. The certification for a Conditionally Authorized treatment

location shall accompany each initial notification required in Health and Safety Code section 25200.3(e) unless notification was previously submitted to the Department before January 1, 1997. The FTU owner or operator, operating pursuant to permit by rule, or a generator operating pursuant to a grant of Conditional Authorization who has previously submitted a notification to the Department before January 1, 1997, shall submit a copy of certification as identified in this subsection along with a copy of financial assurance mechanism as specified in subsection (a), paragraph (5), subparagraphs (A) through (G) of this section to the CUPA or the authorized agency. The TTU owner or operator operating pursuant to permit by rule, who has submitted a notification to the Department before January 1, 1997, shall submit a copy of certification as identified in this subsection along with a copy of financial assurance mechanism as specified in subsection (a), paragraph (5), subparagraphs (A) through (G) of this section to the Department.

(1) This certification shall contain the following information:

(A) The current closure cost estimate of each unit as determined in subsection (a) of this section.

(B) The mechanism(s) established to provide the closure cost assurance for each unit, as described in subsection (a)(5) of this section, and the original document(s) used to satisfy the requirements of the mechanism(s).

(C) The name and location of the financial institution, insurance company, surety company, or other appropriate organization used to establish the closure assurance for each unit.

(D) The effective date of the closure assurance for the unit(s).

(2) The certification shall be signed according to the requirements of section 66270.11 as those requirements apply to permit applications.

(c) Alternative Financial Mechanisms for Closure Costs.

(1)(A) The FTU owner or operator, or a generator operating pursuant to a grant of Conditional Authorization may establish financial assurance for closure by means of a financial mechanism other than those specified in subsection (a), paragraph (5), subparagraphs (A) through (G) of this section provided that, prior to its use, the mechanism has been submitted to and approved by a CUPA or the authorized agency. The mechanism shall be at least equivalent to the financial mechanisms specified in subsection (a), paragraph (5), subparagraphs (A) through (G) of this section. A CUPA or the authorized agency, shall respond in writing within sixty (60) days of receipt and shall evaluate the equivalency of a mechanism principally in terms of:

1. Certainty of the availability of the funds for the required closure activities; and

2. The amount of funds that will be made available. A CUPA or the authorized agency, shall also consider other factors deemed to be appropriate, and shall require the owner or operator, or a Conditionally Authorized generator to submit additional information as is deemed necessary to make the determination.

(B) The TTU owner or operator may establish financial assurance for closure by means of a financial mechanism other than those specified in subsection (a), paragraph (5), subparagraphs (A) through (G) of this section provided that, prior to its use, the mechanism has been submitted to and approved by the Department. The mechanism shall be at least equivalent to the financial mechanisms specified in subsection (a), paragraph (5), subparagraphs (A) through (G) of this section. The Department shall respond in writing within sixty (60) days of receipt and shall evaluate the equivalency of a mechanism principally in terms of:

1. Certainty of the availability of the funds for the required closure activities; and

2. The amount of funds that will be made available.

(2) The owner or operator, or a Conditionally Authorized generator shall submit to a CUPA or the authorized agency, the proposed mechanism together with a letter requesting that the proposed mechanism be considered acceptable for meeting the requirements of this section. The submission shall include the following information:

(A) Name, address and telephone number of issuing institution; and

(B) Hazardous waste facility identification number, name, address and closure cost estimate for each TTU, FTU facility or a generator who is operating pursuant to Conditional Authorization intended to be covered by the proposed mechanism; and

(C) The amount of funds for closure to be assumed for each TTU, FTU facility or a generator who is operating pursuant to Conditional Authorization intended to be covered by the proposed mechanism; and

(D) The terms of the proposed mechanism (period covered, renewal/extension, cancellation).

(3) The CUPA or the authorized agency, shall respond in writing to the FTU owner or operator, or a generator operating pursuant to a grant of Conditional Authorization of the determination made regarding the acceptability of the proposed mechanism in lieu of the financial mechanisms specified in subsection (a), paragraph (5), subparagraphs (A) through (G) of this section. This written request shall be provided within sixty (60) days.

(4) If a proposed mechanism is found acceptable, the FTU owner or operator, operating pursuant to permit by rule, or a generator operating pursuant to a grant of Conditional Authorization shall submit a fully executed financial assurance document to the CUPA or the authorized agency. The document shall contain original signatures and shall be accompanied by a formal certification of acknowledgment. The TTU owner or operator, shall submit a fully executed financial assurance document to the Department.

(5) If a proposed mechanism is found acceptable, except for the amount of the funds, the TTU owner or operator, FTU owner or operator, or a generator operating pursuant to a grant of Conditional Authorization shall either increase the amount of mechanisms or obtain other financial assurance mechanisms as specified in subsection (a), paragraph (5), subparagraphs (A) through (G) of this section. The amount of the funds available through the combination of mechanisms shall at least equal the current closure cost estimate.

(6) If a proposed mechanism is found acceptable by the CUPA, or the authorized agency, the FTU owner or operator, or a generator operating pursuant to a grant of Conditional Authorization may request permission to fund

the financial mechanism over a period not to exceed five (5) years as part of the request for an alternative mechanism described in subsection (c)(1) of this section.

(d) If the closure cost estimate as specified in subsections (a)(1) and (a)(2) of this section is not more than \$10,000.00, the TTU owner or operator or FTU owner or operator operating pursuant to permit by rule, or a generator operating pursuant to a grant of Conditional Authorization may comply with this section by submitting a certification signed in accordance with section 66270.11. The FTU owner or operator operating pursuant to permit by rule, or a generator operating pursuant to a grant of Conditional Authorization shall submit the certification to its CUPA or the authorized agency, that the FTU owner or operator operating pursuant to permit by rule, or a generator operating pursuant to a grant of Conditional Authorization has sufficient financial resources to meet the closure cost requirements. Entities authorized to operate as of the effective date of these regulations who meet the conditions of this subdivision shall submit the signed original certification to the pertinent CUPA or the authorized agency, by January 1, 1997. The TTU owner or operator operating pursuant to permit by rule shall submit to the Department certification that the TTU owner or operator has sufficient financial resources to meet the closure cost requirements. The certification for FTU operations which have not yet submitted their initial notifications shall accompany each initial notification required by sections 67450.2(a), 67450.3(a)(1) and 67450.3(a)(2). The certification for FTU operations which have not yet submitted their initial notifications shall accompany each initial notification required by sections 67450.2(b)(3), 67450.3(c)(1) and 67450.3(c)(2). The certification for a Conditionally Authorized generator which has not yet submitted its initial notification shall accompany each initial notification required by Health and Safety Code section 25200.3(e).

(e) Notwithstanding the provisions of Chapter 45, a TTU or a facility operating pursuant to a permit by rule who meets the conditions of this section is not required to obtain financial assurance as specified in subsection (a), paragraph (5), subparagraphs (A) through (G) for the costs of closure of such a treatment unit. A facility who meets the conditions of this section shall maintain a Certification (of Financial Assurance for Permit by Rule and Conditionally Authorized Operations page(s) of the Unified Program Consolidated Form (x/99) with a copy of the original signature of the owner or operator at the facility containing the reason(s) why the owner or operator is eligible for this exemption. The FTU owner or operator who meets the conditions of this section shall submit the signed original Certification of Financial Assurance for Permit by Rule and Conditionally Authorized Operations page(s) of the Unified Program Consolidated Form (x/99) to the CUPA or the authorized agency, by January 1, 1997. If the submittal is independent of PBR notification required by Sections 67450.2(b) or 67450.3(c), then the submittal must include the Business Activities Page, and the Business Owner/Operator pages of the Unified Program Consolidated Form (x/99)). The TTU owner or operator who meets the conditions of this section shall submit the signed original Certification of Financial Assurance for Permit by Rule and Conditionally Authorized Operations (DTSC Form 1232) to the Department by January 1, 1997. The TTU owner or operator or FTU owner or operator operating pursuant to permit by rule shall meet the following condition on or after October 1, 1996, in order to be exempt from financial assurance requirements:

(1) Operated no more than thirty days in any calendar year.

(f)(1) The CUPA or the authorized agency, shall agree to the termination of the closure financial mechanisms as specified in subsection (a), paragraph (5), subparagraph (A) through (G), when:

(A) The FTU owner or operator, or a generator operating pursuant to a grant of Conditional Authorization substitutes alternate financial assurance as specified in this section; or

(B) The CUPA or the authorized agency, releases FTU owner or operator, or a generator operating pursuant to a grant of Conditional Authorization from the requirements in accordance with subsection (g) of this section.

(2) The Department shall agree to the termination of the closure financial mechanisms as specified in subsection (a), paragraph (5), subparagraph (A) through (G) for TTU owners or operators, when:

(A) The TTU owner or operator substitutes alternative financial assurance as specified in this section; or

(B) The Department releases the TTU owner or operator from the requirements in accordance with subsection (g) of this section.

(g) Release of the TTU owner or operator, FTU owner or operator operating pursuant to permit by rule, or a generator operating pursuant to a grant of Conditional Authorization from the requirements of this section:

(1) Within 60 days after receiving certifications from the owner or operator of a FTU operating pursuant to permit by rule, and an independent professional engineer, registered in California, that a final closure has been completed in accordance with the prepared closure plan, the CUPA or the authorized agency, shall notify the owner or operator in writing that he or she is no longer required by this section to maintain financial assurance for final closure of the regulated unit(s) or the facility, unless the CUPA or the authorized agency, has reason to believe that final closure has not been conducted in accordance with the prepared closure plan. The CUPA or the authorized agency shall provide the owner or operator a detailed written statement of any such reason to believe that closure has not been conducted in accordance with the closure plan or any other closure performance standards.

(2) Within 60 days after receiving notification from the generator operating pursuant to a grant of Conditional Authorization that final closure has been completed, the CUPA or the authorized agency, shall notify the generator in writing that he or she is no longer required by this section to maintain financial assurance for final closure of the regulated unit(s) or the facility, unless the CUPA or the authorized agency has reason to believe that final closure has not been conducted in accordance with the proper closure standards. The CUPA or the authorized agency shall provide the generator a detailed written statement of any such reason to believe that closure has not been conducted in accordance with the closure performance standards.

(3) When transfer of ownership or operational control of a facility occurs, and the new owner or operator of a FTU operating pursuant to permit by rule, or a generator operating under a Conditional Authorization, has

demonstrated to the satisfaction of the CUPA or the authorized agency, that he or she is complying with the financial requirements of this section, the CUPA or the authorized agency shall notify the previous owner or operator, or a generator in writing that they are no longer required to maintain financial assurance for closure of that particular facility.

(4) Within 60 days after receiving certifications from the owner or operator of a TTU operating pursuant to permit by rule, and an independent professional engineer, registered in California, that a final closure has been completed in accordance with the prepared closure plan, the Department shall notify the owner or operator in writing that he or she is no longer required by this section to maintain financial assurance for final closure of the regulated unit(s). If the Department has reason to believe that final closure has not been conducted in accordance with the prepared closure plan, then prior to releasing the financial assurance mechanism the Department shall provide the owner or operator with a detailed written statement of any such reason to believe that closure has not been conducted in accordance with the closure plan or any other closure performance standards.

(5) When transfer of ownership or operational control of a TTU occurs, and the new owner or operator of TTU operating pursuant to permit by rule has demonstrated to the satisfaction of the Department that he or she is complying with the financial requirements of this section, the Department shall notify the previous owner or operator in writing that it is no longer required to maintain financial assurance for closure of that particular facility.

NOTE: Authority cited: Sections 25150 and 25245, Health and Safety Code. Reference: Sections 25150, 25200.2, 25245 and 25245.4, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 67450.4 to section 67450.13 filed 10-23-91; operative 1-1-92 (Register 92, No. 12).
2. Amendment of section heading and section filed 2-13-96 as an emergency; operative 2-13-96 (Register 96, No. 7). A Certificate of Compliance must be transmitted to OAL by 6-12-96 or emergency language will be repealed by operation of law on the following day.
3. Reinstatement of section heading and section as they existed prior to emergency amendment filed 2-13-96 by operation of Government Code section 11346.1(f) (Register 96, No. 25).
4. Amendment of section heading and section filed 6-17-96 as an emergency; operative 6-17-96 (Register 96, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-15-96 or emergency language will be repealed by operation of law on the following day.
5. Amendment of subsection (a)(8), new subsection (d) and subsection relettering, and amendment of newly designated subsection (e) filed 8-29-96 as an emergency; operative 8-29-96 (Register 96, No. 35). A Certificate of Compliance must be transmitted to OAL by 12-27-96 or emergency language will be repealed by operation of law on the following day.
6. Amendment of section heading and section refiled 10-15-96 as an emergency; operative 10-15-96 (Register 96, No. 42). A Certificate of Compliance must be transmitted to OAL by 2-13-97 or emergency language will be repealed by operation of law on the following day.
7. Reinstatement of section as it existed prior to 10-15-96 emergency amendment by operation of Government Code section 11346.1(f) (Register 97, No. 9).
8. Editorial correction of History 6 (Register 97, No. 9).
9. Amendment of section heading and section filed 2-24-97 as an emergency; operative 2-24-97 (Register 97, No. 9). A Certificate of Compliance must be transmitted to OAL by 6-24-97 or emergency language will be repealed by operation of law on the following day.
10. Certificate of Compliance as to 2-24-97 order, including further amendments, transmitted to OAL 6-24-97 and filed 8-6-97 (Register 97, No. 32).
11. Amendment filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
12. Amendment refiled 5-7-99 as an emergency; operative 5-7-99 (Register 99, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-7-99 or emergency language will be repealed by operation of law on the following day.
13. Amendment refiled 9-3-99 as an emergency; operative 9-3-99 (Register 99, No. 36). A Certificate of Compliance must be transmitted to OAL by 1-3-2000 or emergency language will be repealed by operation of law on the following day.
14. Amendment refiled 12-29-99 as an emergency; operative 1-3-2000 (Register 99, No. 53). A Certificate of Compliance must be transmitted to OAL by 5-2-

2000 or emergency language will be repealed by operation of law on the following day.

15. Certificate of Compliance as to 12-29-99 order transmitted to OAL 2-29-2000 and filed 4-11-2000 (Register 2000, No. 15).

16. Change without regulatory effect renumbering and relettering subsections (c)(1)(i)-(c)(1)(ii)(B) to subsections (c)(1)(A)-(c)(1)(B)2. filed 7-1-2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 27).

17. Change without regulatory effect amending subsections (a) and (a)(5)(A)-(G)) and amending Note filed 12-19-2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 51).

§ 67450.14. Liability Requirements: Coverage for Sudden Accidental Occurrences for Transportable Treatment Units Which Are Permitted by Rule.

NOTE: Authority cited: Sections 208, 25200.2 and 25425, Health and Safety Code. Reference: Section 25150, Health and Safety Code.

HISTORY

1. Renumbering and amendment of former section 67450.5 to section 67450.14 filed 10-23-91; operative 1-1-92 (Register 92, No. 12).

2. Change without regulatory effect repealing section, filed 3-15-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 11).

§ 67450.15. Liability Requirements: Coverage for Sudden Accidental Occurrences for Facilities with Fixed Treatment Units Which Are Permitted by Rule.

NOTE: Authority cited: Section 25200.2 and 25245, Health and Safety Code. Section 58012, Governor's Reorganizational Plan #1 of 1991. Reference: Section 25150, Health and Safety Code.

HISTORY

1. New section filed 10-23-91; operative 1-1-92 (Register 92, No. 12).

2. Amendment of subsection (d) filed 6-16-92 as an emergency; operative 6-16-92 (Register 92, No. 25). A Certificate of Compliance must be transmitted to OAL 10-14-92 or emergency language will be repealed by operation of law on the following day.

3. Amendment of subsection (d) refiled 10-13-92 as an emergency; operative 10-12-92 (Register 92, No. 42). A Certificate of Compliance must be transmitted to OAL 2-11-93 or emergency language will be repealed by operation of law on the following day.

4. Amendment of subsection (d) filed 2-9-93 as an emergency; operative 2-9-93 (Register 93, No. 7). A Certificate of Compliance must be transmitted to OAL 6-9-93 or emergency language will be repealed by operation of law on the following day.

5. Amendment of subsection (d) refiled 6-8-93 as an emergency; operative 6-8-93 (Register 93, No. 24). A Certificate of Compliance must be transmitted to OAL by 10-6-93 or emergency language will be repealed by operation of law on the following day.

6. Certificate of Compliance as to 6-8-93 order including amendment of subsection (d) and Note transmitted to OAL 10-5-93 and filed 11-18-93 (Register 93, No. 47).

7. Editorial correction of subsection (d) (Register 95, No. 50).

8. Change without regulatory effect repealing section, filed 3-15-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 11).

§ 67450.16. Liability Requirements: Coverage for Sudden Accidental Occurrences for Temporary Household Hazardous Waste Collection Facilities Which Are Permitted by Rule.

NOTE: Authority cited: Sections 25150, 25245 and 58012, Health and Safety Code. Reference: Sections 25150, 25200.2 and 25245, Health and Safety Code; and Section 66798.9, Government Code.

HISTORY

1. New section filed 4-12-93; operative 4-12-93 (Register 93, No. 16).
2. Change without regulatory effect repealing section filed 7-14-2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 29).

§ 67450.20. Conditionally Exempt Specified Waste Streams.

(a) The treatment activities listed in subdivision (b) may occur under a grant of conditional exemption for specified waste streams. The generator conducting such treatment must comply with the requirements of subdivisions (d) through (i) of Health and Safety Code Section 25201.5.

(b) The following treatment activities are authorized for operation under a grant of conditional exemption for specified waste streams:

(1) The treatment of formaldehyde or glutaraldehyde solutions using any technology that is certified as effective for that purpose by the department, pursuant to Health and Safety Code Section 25200.1.5. The treatment must be operated pursuant to all of the conditions imposed on the certification.

NOTE: Authority cited: Sections 25150, 25159.5, 25200.1.5, 25200.17, 58004 and 58012, Health and Safety Code. Reference: Sections 25201.5 and 25200.1.5, Health and Safety Code.

HISTORY

1. New section filed 7-5-96 as an emergency; operative 7-5-96 (Register 96, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-96 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 11-12-96 as an emergency; operative 11-12-96 (Register 96, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-12-97 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 3-14-97 as an emergency; operative 3-14-97 (Register 97, No. 11). A Certificate of Compliance must be transmitted to OAL by 7-15-97 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 3-14-97 order, including amendment of section and Note, transmitted to OAL 7-2-97 and filed 8-14-97 (Register 97, No. 33).

§ 67450.25. Requirements Applicable to Permanent Household Hazardous Waste Collection Facilities Deemed to Have a Permit by Rule.

(a) The operator or contractor who operates a PHHWCF deemed to have a permit by rule pursuant to section 66270.60 shall do all of the following:

(1) Maintain compliance with sections 66262.10 through 66262.57, (except section 66262.41), 66264.175, and 66265.148, except as follows:

(A) the engineering certification required by section 66264.175(c) shall be provided by a manufacturer, an independent professional engineer registered in the State of California or a professional engineer employed by the local government entity and from a different division or agency than the operator.

(2) Maintain compliance with the following regulations in Chapter 15 of this division, including those referring to permit applications:

(A) Article 2 commencing with section 66265.10. General Facility Standards (except sections 66265.12(b), and 66265.13). However, the operator or contractor shall prepare and maintain a written waste analysis plan describing the procedures which the operator or contractor will carry out to characterize unidentified wastes received at the facility. Field analysis methods such as Hazardous Category (HAZCAT) analysis may be used to characterize unidentified wastes into Federal Department of Transportation (DOT) hazard classes;

(B) Article 3 commencing with section 66265.30. Preparedness and Prevention;

(C) Article 4 commencing with section 66265.50. Contingency Plan and Emergency Procedures (except section 66265.53(b));

(D) Article 5 commencing with section 66265.70. Manifest System, Recordkeeping and Reporting (except that sections 66265.73(b)(2), 66265.73(b)(6), 66265.73(b)(7), 66265.73(b)(15) and 66265.75 and sections 66265.71, 66265.72, and 66265.76 shall not apply to operators of facilities that do not receive manifested waste);

(E) Article 7 sections 66265.110 through 66265.115. Closure and Post-Closure

(F) Article 9 commencing with section 66265.170. Use and Management of Containers (except that the minimum distance specified in section 66265.176 may, at the discretion of the operator or contractor, be less than 15 meters (50 feet) from the facility's property line if the shorter distance minimizes the possibility of migration of contaminants to any adjacent property should a release occur, meets the Uniform Fire Code or local fire code requirements (whichever are more stringent), and the operator or contractor has written approval from all the appropriate local agencies to use the shorter distance);

(G) Article 10 commencing with section 66265.190. Tank Systems (except that the contingency plan for post-closure required by section 66265.197(c)(2) shall be maintained with the closure plan required by section 66265.112, and the engineering certification required by section 66265.192(g) shall be provided by a manufacturer, an independent professional engineer registered in the State of California or a professional engineer employed by the local government entity and from a different division or agency than the operator).

(3) Prepare and maintain at the facility an operation plan comprising a copy of the notification submitted pursuant to section 66270.60(d)(6)(A), copies of the financial assurance documents required by section 67450.30, a copy of the acknowledgement from CUPA or authorized agency specified in section 66270.60(d)(6)(B), copies of the documents required by subsection (a)(2) of this section, and the items specified in subparagraphs (A) and (B) of this paragraph.

(A) a written plan addressing the procedures to be followed whenever the PHHWCF meets or exceeds its maximum storage capacity, so that the appropriate storage conditions may be maintained. This plan shall be implemented when necessary.

(B) the information required by sections 67450.4(b)(6), (b)(8), (b)(9), (b)(13), (b)(14) if applicable, (b)(16), (b)(17), and (b)(18).

(C) The operator or contractor shall make the operation plan available upon request to any representative of the Department, the U.S. EPA, or a local governmental agency having jurisdiction over the operation of the PHHWCF. A copy of the operation plan shall also be delivered in person or by certified mail with return receipt requested to CUPA or authorized agency when requested by CUPA or authorized agency.

(4) Maintain compliance with sections 67450.4(d), (e), (g), (h)(3), and (i) as those sections apply to THHWCFs, except as modified below:

(A) 67450.4(d)(4). The waste handling and storage areas of the PHHWCF shall have a continuous base that meets the requirements of section 66264.175(b)(1);

(B) 67450.4(d)(9)(E). Does not apply to PHHWCFs.

(C) 67450.4(d)(10)(D). The operator shall assure that persons delivering the waste remain in their vehicles while in the waste acceptance area of the facility and shall assure that no unauthorized persons enter waste handling and storage areas.

(D) 67450.4(e)(2). The operator of a PHHWCF may consolidate the following wastes: water-based paints, oil-based paints, compatible solvents, gasoline, antifreeze, used oil, organic resins including but not limited to roofing tar, caulking and patching compounds, and adhesives, photofinishing finishing solutions and miscellaneous compatible solvent-containing wastes. If solvents, oil-based paints or gasoline are consolidated, the operator shall conduct these operations in an area approved by the local fire department and air quality management district.

(5) Maintain compliance with Health and Safety Code section 25200.14, except as specified below:

(A) Complete and file a Phase I environmental assessment with the Department within one year of commencing operation pursuant to section 66270.60 or by June 6, 1997, whichever date is later. A PHHWCF previously authorized to operate that completed the Phase I environmental assessment required by Health and Safety Code section 25200.14 is not required to complete a new Phase I environmental assessment for the purpose of this subparagraph.

1. The Phase I environmental assessment required by Health and Safety Code section 25200.14 shall be limited to the area defined by the operational boundary of the PHHWCF. The assessment shall be conducted only on the area directly affected by the operations of the PHHWCF. Corrective action, if any, taken pursuant to Health and Safety Code section 25200.14(f), shall be limited to releases from regulated units at the PHHWCF.

2. The certification required by Health and Safety Code section 25200.14(c) may be obtained from the owner, operator, or their designee, a professional engineer registered in the State of California, a registered geologist, or a registered environmental assessor.

3. The Phase I environmental assessment and certification required by this section shall be submitted to the Department at the same address specified in section 66270.60(d)(6)(A). A copy of the Phase I environmental assessment and the certification shall be made part of the operation plan required by subsection (a)(4) of this section.

(6) The operator of a PHHWCF may store wastes at the facility for up to one year from the date of collection.

NOTE: Authority cited: Sections 25150 and 25218.3(d), Health and Safety Code. Reference: Sections 25150, 25185.6, 25186, 25200, 25200.14, 25202.9 and 25218.3, Health and Safety Code.

HISTORY

1. New section filed 8-30-95 as an emergency; operative 8-30-95 (Register 95, No. 35). A Certificate of Compliance must be transmitted to OAL by 12-28-95 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 12-26-95 as an emergency; operative 12-26-95 (Register 95, No. 52). A Certificate of Compliance must be transmitted to OAL by 4-24-96 or emergency language will be repealed by operation of law on the following day.

3. New section refiled 4-25-96 as an emergency; operative 4-25-96 (Register 96, No. 17). A Certificate of Compliance must be transmitted to OAL by 8-23-

96 or emergency language will be repealed by operation of law on the following day.

4. New section, including amendment of subsection (a)(5)(A), refiled 8-23-96 as an emergency; operative 8-23-96 (Register 96, No. 34). A Certificate of Compliance must be transmitted to OAL by 12-23-96 or emergency language will be repealed by operation of law on the following day.

5. Certificate of Compliance as to 8-23-96 order, including amendment of section, transmitted to OAL 9-27-96 and filed 11-7-96 (Register 96, No. 45).

6. Amendment of subsections (a)(3) and (a)(3)(C) filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.

7. Amendment of subsections (a)(3) and (a)(3)(C) refiled 5-7-99 as an emergency; operative 5-7-99 (Register 99, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-7-99 or emergency language will be repealed by operation of law on the following day.

8. Amendment of subsections (a)(3) and (a)(3)(C) refiled 9-3-99 as an emergency; operative 9-3-99 (Register 99, No. 36). A Certificate of Compliance must be transmitted to OAL by 1-3-2000 or emergency language will be repealed by operation of law on the following day.

9. Amendment of subsections (a)(3) and (a)(3)(C) refiled 12-29-99 as an emergency; operative 1-3-2000 (Register 99, No. 53). A Certificate of Compliance must be transmitted to OAL by 5-2-2000 or emergency language will be repealed by operation of law on the following day.

10. Certificate of Compliance as to 12-29-99 order transmitted to OAL 2-29-2000 and filed 4-11-2000 (Register 2000, No. 15).

11. Change without regulatory effect amending subsection (a)(5)(A) filed 6-7-2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 24).

§ 67450.30. Financial Assurance for Closure for Permanent Household Hazardous Waste Collection Facilities Permitted by Rule.

(a) This section applies to all PHHWCFs, as defined in section 66260.10, deemed to have a permit pursuant to section 66270.60, subsection(d)(6).

(b) Financial assurance for closure: The operator shall prepare and submit to CUPA or authorized agency a written estimate, in current dollars, of the cost of closing the PHHWCF. The estimate shall be based on the maximum projected closure cost: however, the closure cost estimate may take into account any salvage value that may be realized from the sale of wastes, facility structures or equipment, land, or other facility assets at the time of closure. The closure cost estimate may also take into account reduced costs that may be incurred by employing the operator's own staff and/or equipment for actual closure activities.

(1) The operator shall adjust annually the closure cost estimate for inflation within sixty (60) days prior to the anniversary date of the original establishment of the financial mechanism(s). The adjustment shall be made as specified in sections 67450.13, subsections (a)(2)(A) and (a)(2)(B) using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product as published by the U.S. Department of Commerce in its Survey of Current Business. The inflation factor is obtained by dividing the latest published annual Deflator by the Deflator of the previous year.

(A) The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.

(B) Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.

(2) The operator shall revise the closure cost estimate no more than thirty (30) days after a change in the closure plan increases the cost of closure. The revised closure cost estimate shall be adjusted for inflation as specified in subsection (b)(1) of this section.

(3) The most current closure plan and the most current closure cost estimate shall be kept on file at the PHHWCF during the operating life of the facility.

(4) The operator shall submit to CUPA or authorized agency, a copy of each revised closure cost estimate prepared pursuant to paragraphs (1) and (2) of this subdivision.

(c) On or before October 1, 1996, financial assurance for closure of a PHHWCF shall be established by one of the following methods and submitted with the certification required in subsection (d) of this section:

(1) a closure trust fund, as specified in section 66265.143, subsection (a);

(2) a surety bond guaranteeing payment into a closure trust fund, as specified in section 66265.143, subsection (b);

(3) a closure letter of credit, as specified in section 66265.143, subsection (c);

(4) closure insurance, as specified in section 66265.143, subsection (d),

- (5) a financial test and corporate guarantee for closure, as specified in section 66265.143, subsection (e);
- (6) multiple financial mechanisms for closure costs, as specified in section 66265.143, subsection (f),
- (7) an alternate financial mechanism, as specified in section 66265.143, subsection (h); or
- (8) self-insurance for public agencies (for public agencies)

(A) A public agency operating a PHHWCF may satisfy the requirements of this section by submitting a certificate of self-insurance to CUPA or authorized agency. The public agency shall submit DTSC Form 1220 (2/96), which may be obtained from CUPA or authorized agency. The certificate of self-insurance shall contain original signatures.

(B) The public agency shall guarantee that funds shall be available to close the facility whenever final closure occurs. The public agency shall also guarantee that once final closure begins, the public agency shall, at the direction of CUPA or authorized agency, provide funding up to an amount equal to the full amount of the most recent closure cost estimate, to a party or parties specified by CUPA or authorized agency.

(d) On or before October 1, 1996, the operator of a PHHWCF in operation prior to October 1, 1996 shall submit a certification to CUPA or authorized agency which documents compliance with the closure cost assurance requirements of subsection (b) of this section. For those PHHWCFs commencing operation after October 1, 1996, the certification shall be submitted with the notification required by section 662670.60(d)(6)(A).

(1) The certification shall contain the following information:

(A) The current closure cost estimate of the PHHWCF as determined in subsection (b) of this section.

(B) The mechanism(s) established to provide the closure cost assurance for the PHHWCF, as described in subsection (b).

(C) The name and location of the financial institution, insurance company, surety company, or other appropriate organization used to establish the closure assurance for the PHHWCF.

(D) The effective date of the closure assurance for the PHHWCF.

(E) The certification shall be signed according to the requirements of section 66270.11 as those requirements apply to permit applications.

(e) On or after October 1, 1996, a PHHWCF operating pursuant to a permit by rule not more than thirty (30) days in any calendar year, or a PHHWCF whose current closure cost estimate, as specified in this section, is less than \$10,000.00, is not required to provide financial assurance as specified in section 67450.30 for the cost of closure. A PHHWCF exempt from financial assurance for closure pursuant to this subsection shall maintain at the facility, an amended copy of the certification required by subsection (d) of this section stating the reasons why the PHHWCF is eligible for this exemption. A copy of the amended certification required by this section, signed according to the requirements of section 66270.11 as those requirements apply to permit applications, shall be submitted to CUPA or authorized agency ten (10) days prior to the date upon which the operator operates pursuant to this exemption.

NOTE: Authority cited: Sections 25150, 25218.3(d) and 25245, Health and Safety Code. Reference: Sections 25150, 25218.3(d) and 25245, Health and Safety Code.

HISTORY

1. New section filed 8-30-95 as an emergency; operative 8-30-95 (Register 95, No. 35). A Certificate of Compliance must be transmitted to OAL by 12-28-95 or emergency language will be repealed by operation of law on the following day.
2. New section, including new forms, refiled 12-26-95 as an emergency; operative 12-26-95 (Register 95, No. 52). A Certificate of Compliance must be transmitted to OAL by 4-24-96 or emergency language will be repealed by operation of law on the following day.
3. New section refiled 4-25-96 as an emergency; operative 4-25-96 (Register 96, No. 17). A Certificate of Compliance must be transmitted to OAL by 8-23-96 or emergency language will be repealed by operation of law on the following day.
4. New section refiled 8-23-96 as an emergency; operative 8-23-96 (Register 96, No. 34). A Certificate of Compliance must be transmitted to OAL by 12-23-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 8-23-96 order, including amendment of section, new instructions for completing Form DTSC 1094B, and amendment of Form DTSC 1094B transmitted to OAL 9-27-96 and filed 11-7-96 (Register 96, No. 45).
6. Amendment of subsections (b), (b)(4), (c)(8)(A)-(d) and (e) filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
7. Amendment of subsections (b), (b)(4), (c)(8)(A)-(d) and (e) refiled 5-7-99 as an emergency; operative 5-7-99 (Register 99, No. 19). A Certificate of

Compliance must be transmitted to OAL by 9-7-99 or emergency language will be repealed by operation of law on the following day.

8. Amendment of subsections (b), (b)(4), (c)(8)(A)-(d) and (e) refiled 9-3-99 as an emergency; operative 9-3-99 (Register 99, No. 36). A Certificate of Compliance must be transmitted to OAL by 1-3-2000 or emergency language will be repealed by operation of law on the following day.

9. Amendment of subsections (b), (b)(4), (c)(8)(A)-(d) and (e) refiled 12-29-99 as an emergency; operative 1-3-2000 (Register 99, No. 53). A Certificate of Compliance must be transmitted to OAL by 5-2-2000 or emergency language will be repealed by operation of law on the following day.

10. Certificate of Compliance as to 12-29-99 order transmitted to OAL 2-29-2000 and filed 4-11-2000 (Register 2000, No. 15).

11. Change without regulatory effect amending subsections (a), (a)(1) and (c)(1)-(5), and repealing and adding new subsections (c)(6)-(7) filed 12-19-2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 51).